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ALABAMA HISTORY

BY

JOEL CAMPBELL DUBOSE, M. A.



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ALABAMA HISTORY

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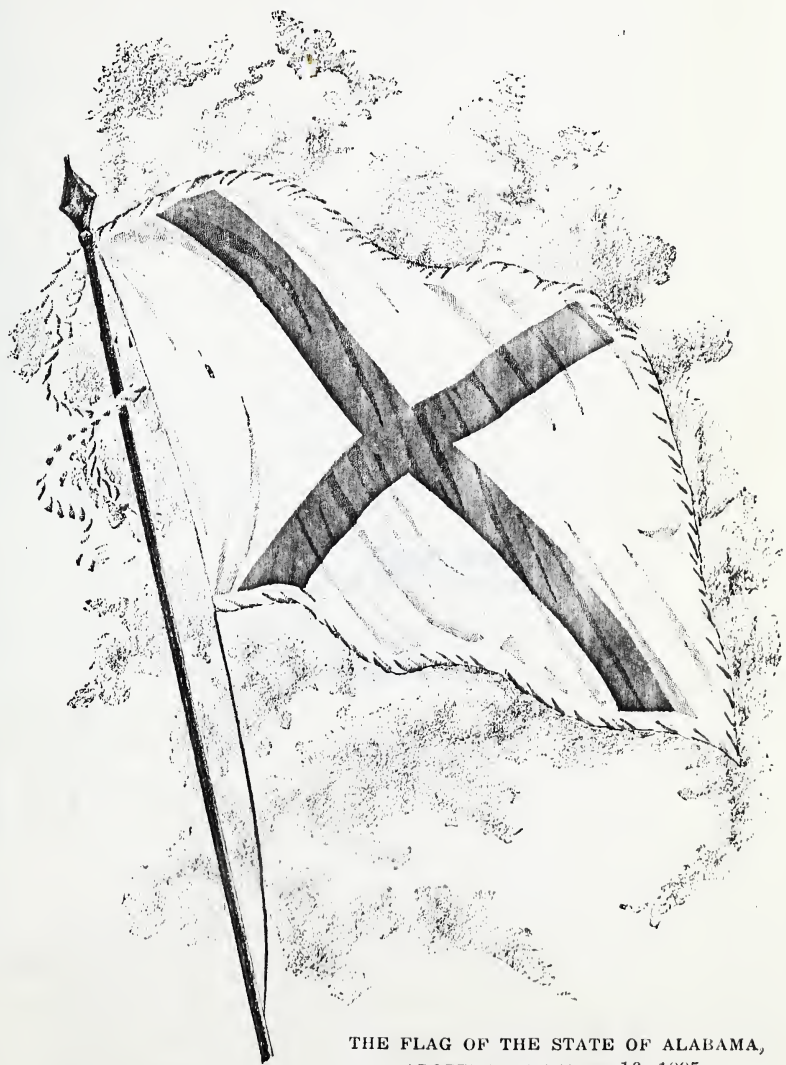


THE UNIVERSITY OF ALABAMA

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DuBose, Joel Campbell
Alabama history

Palm Beach



THE FLAG OF THE STATE OF ALABAMA,
ADOPTED FEBRUARY 16, 1895.

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By JCEL C. DuBOSE

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TO
THE GIRLS AND BOYS OF ALABAMA,
THIS VOLUME
IS
AFFECTIONATELY DEDICATED
BY THE AUTHOR.

P R E F A C E

This *Alabama History* has been prepared especially for use in the public schools. Its purpose is to give a fair impression of the growth of the State, and to make distinct the spirit that has animated the people in all the years of its history.

The author hopes that its suggestiveness will help to stimulate the young people to intelligent patriotism and to ardent love for the history of Alabama.

JOEL CAMPBELL DUBOSE.

Birmingham, Alabama,

October 1, 1908.

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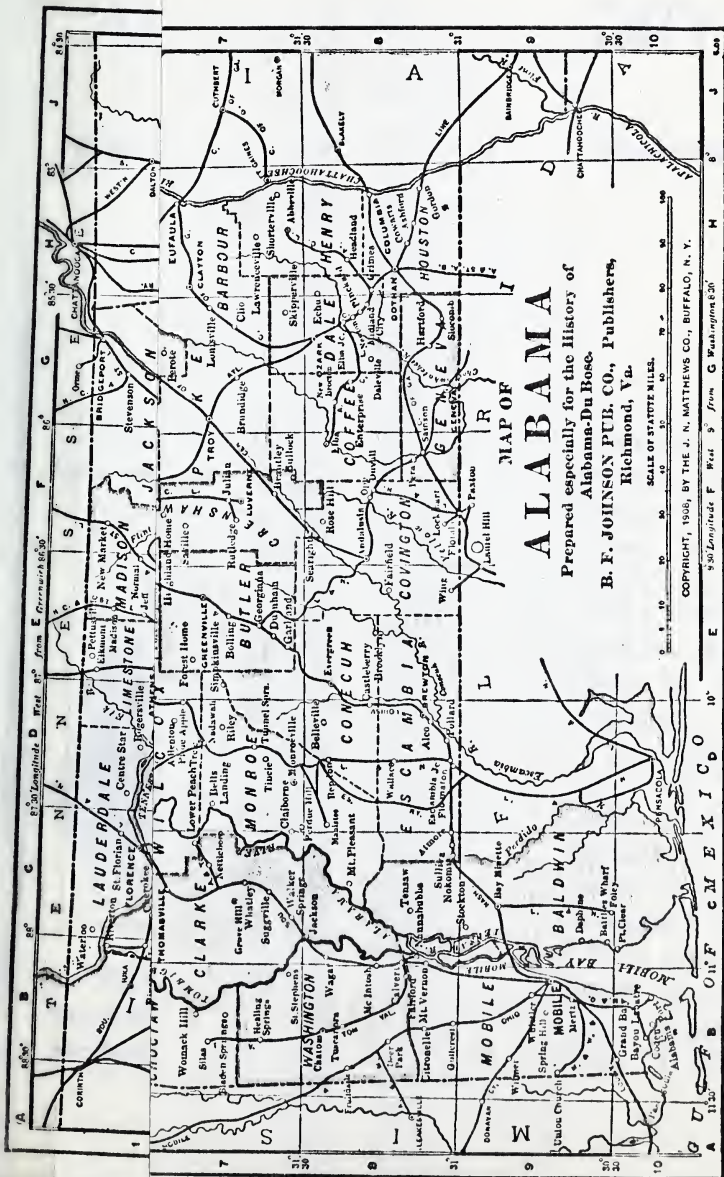
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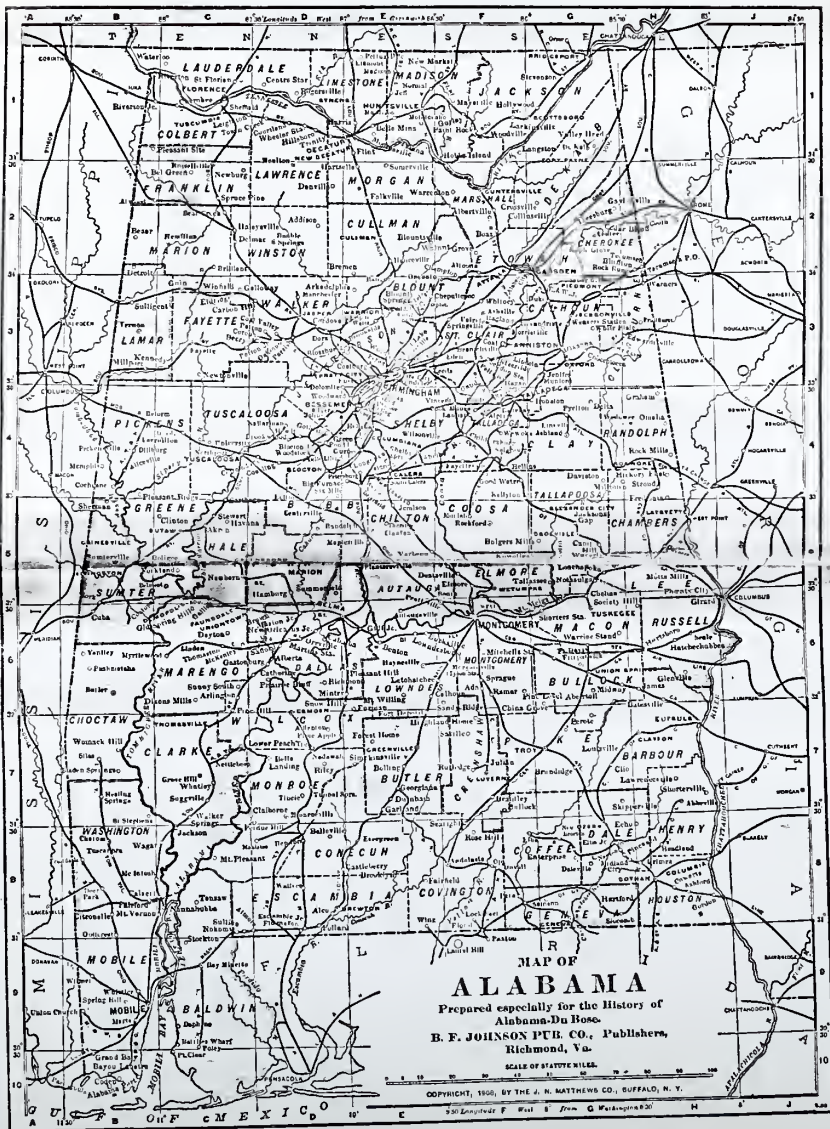


ALABAMA

Prepared especially for the History of
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ALABAMA HISTORY

Period I. Exploration, Colonization, Territorial Government

CHAPTER I

HERNANDO DE SOTO

1. **Florida Granted to De Soto.**—Hernando De Soto was a Spanish cavalier who had accompanied



Hernando De Soto

Pīzārro in an expedition to Peru and had shared in the rich spoils of its conquest. Cor'tez, another Spanish cavalier, had won great glory by the conquest of Mexico. De Soto wished to surpass Cortez in glory and Pizarro in wealth. He obtained from Charles V of Spain authority to explore and conquer the vast region then known

as Florida. This region embraced most of the Spanish possessions then within the present borders of the United States of America. It was

said to be the "richest country in the world, filled with imperial palaces gemmed with gold and rubies, diamonds and pearls."

Apr. 6,
1538

2. Preparations for Conquest.—With six hundred daring companions, "the flower and chivalry of the Peninsula," De Soto sailed from San Lu'ear, Spain. He spent nearly a year in the island of Cuba, where new troops and new fortunes were secured for the expedition.

May 12,
1539

De Soto landed a thousand men along Tampa Bay on the coast of Florida. This was the most splendidly equipped army that had yet left the Old World for the New. Everything that wisdom and experience could suggest had been provided for its comfort and success. The officers and men were eager to enter upon the conquest of the country.

3. Cruelties on the March.—The cruelties of the former explorers* had provoked the anger and hostility of the Indian tribes, who regarded De Soto and his men as intruders and murderers. History records no deeds braver or more desperate than those of the natives of Florida in their efforts to drive back the Spaniards and to protect their country. Indian warriors everywhere offered battle, but De Soto was always victorious. Valor in unprotected bodies armed with simple bows and clubs could not withstand the attack of mail-clad Spaniards with improved weapons.

*Vasquez De Ayllon (vās'kāth dā il yon'), a Spanish adventurer, in 1526 cruelly kidnapped Indians on the shores of South Carolina and carried them as slaves to work in the mines of the island of San Domingo.

De Soto pressed onward through forests, fields, villages, swamps, and rivers; capturing, killing, burning, destroying; doing harsh things, he said, only when the safety of his army required it, but coolly demanding of the Indians services that put them to shame. Hundreds were chained and carried



Indian Village

along to do the hard work of the army. When death or disease reduced the number of these, the next tribe was forced to supply others to take their places.

4. Recapture of Ortiz.—Or' tiz, who had come over with De Narvaez* (nä'r vä'eth), had been captured

*Pamfilo De Narvaez, a Spaniard, in 1528, made a disastrous expedition into Florida. He was lost in a storm on the Gulf of Mexico. Four of his followers suffered years of hardships in passing westward to Mexico. All the others except Ortiz perished at sea.

by the Indians. He was rescued by a trooper of De Soto. Ortiz acted as interpreter until his death west of the Mississippi.

July 2,
1540

5. March Through Georgia Into Alabama.—After spending the first winter near the site of 'Tāl lā hās'-see, the capital of Florida, De Soto made a zigzag march through Georgia. On July 2, 1540, he entered the present bounds of Alabama in what is now Cherokee county. In Cōs'ta, the first Indian village, the Spaniards began to plunder homes. The Indians resented this. The chief had given a glad welcome to De Soto, who seized a club and began beating his own men, thus winning favor with the Indians and turning away serious danger from himself. By flattering words he induced the chief and warriors to go with him into the Spanish camp, where he made them prisoners until they got over their anger.

Numerous reports of yellow metal made the Spaniards believe that gold had been discovered, but when they went to examine it, they found it to be only copper. Like results often disappointed this "roving expedition of gallant freebooters in quest of a fortune."

After a brief rest at Costa, De Soto freed the chief and his warriors, exchanged presents with them, and crossed the Cōō'sa river. He marched down its eastern bank to 'Tāl'le, where he was kindly entertained by the chief.

6. In the Coosa Country.—From Talle, De Soto passed into the province of Coosa, of whose wealth the remote Indian tribes had told him. All reports agreed that it would furnish not only the much de-

sired gold but also ample provisions for his men and horses. With joyous hearts the Spaniards entered it. In battle and in travel, in abundance and in want, they had been cheered by reports of Coosa.

It was midsummer. Woodlands waved with beauty and echoed with the songs of birds. Growing crops, a delightful climate, pure waters, and blue skies added charm to the welcome extended by the



Tallassee Falls

peaceful, contented Indians. Amid scenes like these the Spaniards marched to the village of Coosa, which was situated on the bank of the river. Its chief, with his thousand warriors, dressed in marten skins scented with musk, met De Soto and received him cordially into their homes. The chief invited him to establish a colony in the province and make it his home. Notwithstanding this courtesy, De Soto

imprisoned the chief and his principal warriors, and carried away a long train of his subjects to bear the baggage and provisions.

The march wound through many villages of the province of Coosa. The frightened natives looked with wonder and sadness upon the Spanish soldiers, and sighed with dread as they saw their friends in chains and iron bearing the burdens of the strangers.

The Spaniards entered the walled and terraced town of Tāl' lā se on the banks of the Tāl lā pōō' sa river.

7. March to Mauvilla.—The son of Tūs kà lōō' sa came to Tallase to invite De Soto to visit Mau vil' la, the capital of Tuskaloosa's vast territories along the banks of the Alabama and the Tombigbee rivers. De Soto accepted the invitation and pushed on toward Mauvilla. After three days he met Tuskaloosa waiting to join him. This meeting is said to have taken place on the hill where the capitol of Alabama now stands.

Tuskaloosa was a very large man. His immense form was borne by the biggest pack-horse in the army, and even then his feet almost touched the ground. He was so haughty that De Soto put a guard over him. This made him angry, and on reaching Mauvilla he walked away and was lost among his warriors. Evidently he had plotted to entrap the Spaniards and destroy them.

8. Battle of Mauvilla.—Spanish efforts to recover the person of Tuskaloosa brought forth the war whoop and battle-cry for the deadliest conflict in the history of Indian warfare. Ten thousand native

sons, fired by the desperate courage of Tuskaloosa and by their own love of country, met the fierce shock of battle. All day the conflict raged. Toward evening the Spaniards set fire to the houses, and flame and smoke added to the horrors of battle. At sunset Mauvilla was in ruins. The Spaniards were victors. At least five thousand Indians, eighty-two Spaniards, and forty-five horses lay dead. Tuska-

Oct. 18,
1540



Discovery of the Mississippi River

loosa perished with his brave warriors in this battle.

The Spaniards lost their baggage, all their hospital supplies, and the wine and wheat for the sacrament. Having learned that many of his soldiers would leave him if they should ever reach O'chus (Mobile), where ships were to meet him with supplies, De Soto turned to the northwest. He still hoped that somewhere in the west he would discover a country skilled in arts and rich in spoils.

Apr. 25,
1541

9. Discovery of the Mississippi.—De Soto marched through a fertile, but uninhabited country called Pā-fā-lā'ya (now Clarke, Maren'go, and Greene counties). On this march he was forced to fight his passage across the Warrior river. He then pressed on into the present bounds of Mississippi, fighting the Chick'a saws, the Ali bā'mons, and other tribes. At Chickasaw Bluff, near Memphis, he discovered the Mississippi river. Crossing it, he went far to the west.

10. Death of De Soto.—After many adventurous and vain explorations for gold and silver, he returned to winter and to die on the bank of the Mississippi and to be buried in its waters. In all his wanderings he had discovered "nothing so remarkable as his burying-place."

11. Failure of the Expedition.—Only three hundred and twenty survivors of the expedition found their way down the Mississippi and to Pā nu'co, in Mexico, to bear tidings of the sufferings and disappointments which attended De Soto. Some of the survivors returned to Spain. Others sought fortune in Mexico and Peru. After learning the fate of her gallant husband, Doña Isabel, the wife of De Soto, died of a broken heart.

SUMMARY

De Soto, with a fine army, lured by military glory and the hope of gold, attempted the conquest of Florida. He spent nearly a year in Santiago, Cuba, and landed on the shores of Tampa Bay in the spring of 1539. The Indians had been treated cruelly by other Europeans, and fought De Soto desperately. Ortiz, a Spanish prisoner among the Indians, was recovered

and acted as interpreter to De Soto. Having spent the winter near the site of Tallahassee, De Soto visited the Indian town, Cutifa chi'qui (ke), on the Savannah river, abused the hospitality of the Indians, and passed on into the bounds of the present Alabama. At Mauvilla he defeated Tuskaloosa, but at heavy loss to his own army. He discovered the Mississippi river, died on its banks, and was buried in its waters. The expedition was a failure.

QUESTIONS

1. Why did De Soto attempt the conquest of Florida?
2. What preparations for the expedition were made?
3. Describe his landing and the temper of his men.
4. What cruelties were practiced on the Indians?
5. Who was De Soto's interpreter?
6. Describe the march through Georgia to the Coosa country.
7. When was Alabama first entered by De Soto?
8. Describe the Coosa country.
9. How did De Soto return the courtesy of the Indians?
10. Give an account of the march to Mauvilla.
11. Describe the battle of Mauvilla.
12. Give an account of the other discoveries of De Soto, his death, and the result of the expedition.

CHAPTER II

MOBILE UNDER FRENCH, BRITISH, SPANISH, AND AMERICAN RULE

1540 **1. Settlement Delayed.**—It is probable that the Bay of A chu' sī, where the supply ships were to meet De Soto, was Mobile Bay. Inasmuch as De Soto discovered no gold nor silver, Spanish settlers sought other sections, and the region about Mobile was not colonized for more than a hundred and fifty years after his disastrous expedition.

2. La Salle's Explorations and Plans.—In 1682, La Salle (là sal') floated down the Mississippi and in the name of Louis XIV of France took possession of all the lands drained by this great river and its tributaries. He named the country Louisiana. Returning to France, he convinced King Louis that colonies along the Mississippi uniting with French colonies in Canada would lay the foundations for the French empire in America. This



La Salle

would become too mighty to be resisted, and would gradually close in on the English colonies along the

coast until France would own the New World from the Mississippi river to the Atlantic ocean.

3. Settlement at Biloxi.—The first French colonists sent to Louisiana anchored off Mobile Point in 1699. Their leader was Iberville (*ē bâr vėl'*), a gallant Canadian sea-captain. He had won many honors in the service of France and had lately defeated the English in a naval battle along the shores of New England. He sounded the channel along

1699

Dau'phin Island,* examined the shores of the mainland, and then sailed westward to settle on the banks of the Mississippi river. He was not pleased with the conditions on the marshy banks of the Mississippi, and he returned to the east in search of a site for settlement. He planted Fort De Maurepast (*mōr pä'*) on Bi löx'i Bay. This was the first French settlement on the northern shores of the Gulf of Mexico, and it was made more than ninety years after the first English settlement in Virginia.



De Bienville

Iberville made several voyages to and from France in the interest of the colony. A mistaken policy af-

*Afterwards called Fort Biloxi.

†The French called this Massacre Island, from the immense heaps of human bones found on it.

fects not only the immediate comfort of the colonists but also the permanency of French rule in America. The colonists did not rely on themselves; they depended for supplies upon shipments from France and the Island of St. Domingo; they did not cultivate the soil and raise the corn and other products needed. As a consequence, famine, sickness, and death followed. Sauvolle (sō vōl'), a brother of Iberville, died. De Bienville (deh byān vėl'), another brother, succeeded to the command, and to him more than to anyone else was due whatever of good fortune that came to the colony afterwards.

Jan. 22,
1702

4. Settlement at Twenty-seven-mile Bluff.—The colonists were sick a great deal at Biloxi, and the settlement was removed to a point near the present Twenty-seven-mile Bluff on the Mobile river. Here Fort Louis was erected in 1702. Iberville named the place Mobile, probably because he found there remnants of the tribe from Mauvilla, where De Soto had defeated Tuskaloosa. The country was beautiful in appearance and rich in soil. Fir, pine, oak, cypress, magnolia, and other trees gave it charm. Idols and other relics of departed tribes were discovered by the settlers.

Bienville had much to encourage him and much to depress him. He knew that his brother Iberville was in favor at the court of France, and would aid him with supplies. Both saw the necessity for crops, and they begged the French government for laborers instead of adventurers. Indians were captured and put to work in the fields. Negro slaves were brought from Africa, but laborers were still too scarce to

cultivate the needed crops. The many hardships of the colonists brought out the grumblers who had contributed but little and wanted much.

Iberville died, and the work of directing the colonists fell upon Bienville. He had some loyal helpers, but many bitter enemies who wanted to defeat all his plans.

1706

5. Settlement at Mobile.—In 1709, a rise in the river overflowed both town and fort and destroyed the crops. Bienville then selected the present site of Mobile. After two years' work in laying off lots, building houses, and erecting batteries, the colony left the old fort and removed to the new. Even the Indians living about the old fort left their homes and moved down to the new Fort Condé (kõn dã').

1709

1711

6. Trouble with Indians.—The French were generally more successful than the English in winning and holding the friendship of the Indians; but the Alibamons, who lived along the river to which they gave their name, proved stubborn foes. They murdered the messengers sent by Bienville for provisions, and provoked the settlers in every possible way. Finally Bienville led a force into the Indian country, destroyed their villages, and captured their braves. After making a treaty of peace, he offered rewards for the scalps of all who violated it.

7. Work of Missionaries.—Missionaries* from France and Canada established missions on the Mississippi river and its branches. They travelled much

*The most noted of these missionaries were Foucat (fōō kā'), Tonti, St. Cosme (kōme), St. Dennis (dēn e'), La Salle, and Davion (dā ve on').

among the Indians, and preached the gospel of "Peace on earth, good will to men." They exercised a strong influence over "the children of the forest," often keeping them in peace and quiet when war and massacre were stirring their thoughts. Many of the missionaries suffered death and torture, but their Christian zeal and their patriotic hope were very strong, and no danger was sufficient to check their labors of love.

1712
to
1717

8. Colony Under Crozat.—The colony at Mobile was for five years governed in name by Cadillac (*cā dē yāk'*) and L'Epinaï (*Lā pē nā'*), but in fact by Bienville whom the people and the Indians trusted. Cadillac and L'Epinaï were governors, appointed by Crozat (*cro zā'*), a wealthy merchant to whom Louis XIV had granted the colony.

1714

Bienville built Fort Toulouse (*tōō lōōz'*) to control the Creek and Alabama tribes, with whom English traders had been tampering. This fort occupied a commanding position four miles below We tump'ka, on the neck of land between the Coosa and Tallapoosa rivers. It protected French interests for fifty years. In 1735, he built Fort Tombecbe near Jones's Bluff to protect French interests among the Chickasaw Indians.

When Crozat learned of the failure of the great business schemes for which he had undertaken the management of the colony, he surrendered his charter to the king.

1718

9. Bienville in Command.—Bienville was then restored to command. In March, 1718, he founded

New Orleans, and five years later made it the capital of the colony.

The population of Mobile increased slowly. The climate was too warm for European laborers. Ships now and then brought in negroes, and through their labors the colony began to prosper. When Crozat surrendered the colony, it was chartered to the Western or India Company. Trade had been very much hampered by the laws of Crozat, and it was still further hampered by the provisions of the India Company. Prices were fixed. Goods were smuggled into the Spanish trading-post at Pensacola. The English traders also invaded French territory, carried on a large trade with the Indians, and fanned the fires of Indian hatred against the French. In spite of these drawbacks, the colony began to prosper, but just at this time John Law's* "Mississippi Scheme" collapsed and brought distress and ruin. Bienville was recalled to France under the charge that he was responsible for the troubles of the colony. Before leaving for France he issued the "Black

*John Law, a brilliant Scotch adventurer and gambler, induced Philip, Duke of Orleans, to establish the Royal Bank of Paris. With the profits from the issue of paper money he paid the enormous debt of France. Immediate success attended the venture. Law then formed the West India Company for trade and colonization in Louisiana. Marvellous stories of gold and silver and profits induced speculation. Shares of the stock rose to forty times their cost. Great fortunes were made; but no gold-laden ships returned to France. Public confidence was shaken, and panic swept away fortunes. Law fled from the country, and became an outcast. Suffering and dismay spread throughout France and her colonies upon the bursting of this "Mississippi Scheme."

Code." This code contained many orders about governing the negroes, forbade any but the Catholic religion in the colony, and forced all Jews to leave.

10. End of French Rule.—Perier (pā re ā') was appointed governor in 1726. The colony began to thrive again, but Perier's eight years of rule were not satisfactory. Bienville was sent back from France to take command. His plans for aiding the struggling colony failed; he was defeated in a second attempt to conquer the Chickasaws; finally he became so much discouraged that he asked to be recalled to France. In a dignified letter to the minister at home he expressed the hope of better fortune to his successor than had fallen to himself. Fair and firm in all his dealings with the Indians, he won their love and respect. For thirty years he governed the colony, loved it always, and wept when in his old age it was ceded to Spain. He died in France in 1768, honored and beloved.

With changing fortune but with gradual growth Mobile passed twenty years after the retirement of Bienville. In 1762, France secretly ceded to Spain the Island of Orleans and all of her Louisiana territory west of the Mississippi river. Nearly four months later, by the Treaty of Paris, Mobile fell to Great Britain.

11. Under British Rule.—After the Treaty of Paris, Mobile became the base of supplies for British control of the eastern half of the Mississippi valley. From Mobile many expeditions were sent out to extend British influence. These expeditions were sent against the French and against the Indians under

1726

1733

May 26,
1736

1762

Feb. 18,
1763

Pontiac who were stubbornly resisting English rule. The English did not complete the occupation of the eastern Mississippi basin until Major Robert Farmer and Captain Stirling drove the French across the Mississippi river into the village of St. Louis.

George Johnstone, the first English governor of West Florida, changed the name of Fort Condé to Fort Charlotte. He did this in honor of Queen Charlotte, the wife of George III of England. In 1765, the English began the purchase of lands from the Indians. This opened West Florida and the whole southwest territory to white settlement. Trade increased; agriculture and general business flourished in spite of storms, sickness, and other disasters. The people were pleased with their new masters.

1765

In 1779, England declared war against Spain. Galvez (gäl'vāth), the young Spanish governor of Louisiana, made a dash upon the English forts in the south, and captured them one after another before the British could interfere. Mobile fell into his hands in 1780, and the following year he captured Pensacola, the capital of West Florida. Thus England lost possession of the Gulf coast.

1779

Mar. 4,
1780

12. Under Spanish Rule.—Mobile remained a Spanish stronghold for thirty-two years. Spanish commanders succeeded one another so rapidly as to unsettle the people. Spain declared war against France to check the efforts of French agents who were trying to stir up trouble in the Spanish colonies of America. She invited the annexation of Kentucky, made extensive land-grants, and claimed 32° 28' north latitude as the northern boundary of her terri

1794

tory between the Chattahoochee and the Mississippi. The United States claimed down to 31° , and taking advantage of Spain's troubles with Napoleon Bonaparte, pressed the claim so strongly through Thomas Pinckney at the Treaty of Madrid that Spain yielded.

1795

Spanish authorities at Mobile and Pensacola placed many obstacles in the way of the American engineer, Andrew Ellicott, who had been sent to run the boundary line of 31° , and his survey was not completed until 1799. Ellicott's Stone, set up below St. Stephens, marked the dividing line between Spanish and American territory. Americans living above 31° north latitude suffered great inconvenience and expense because of heavy duties on freights passing through mouths of rivers under Spanish control; prices were increased about fourfold by freights and double duties.

1799

The United States claimed the Perdido river as the eastern limit of the Louisiana Purchase.* Spain claimed that Mobile had been completely cut off from Louisiana by the Treaty of Paris, and that she held the city by right of conquest from the British in 1780. General James Wilkinson moved against it with American troops and captured it. The stars and stripes floated from its fort, and since that time it has remained under American rule. A year before this, Mobile county had been formed out of Washing-

Apr. 15,
1813

*In 1803 the United States bought from France all her possessions in America. The territory sold to the United States was known as the Louisiana Purchase.

ton county by proclamation of David Holmes, governor of Mississippi Territory.

13. Under American Rule.—For more than a hundred years Mobile had been the center of colonial life. It had sent out explorers, traders, warriors, and missionaries. As soon as it was attached to the United States, it began to grow in importance. The British envied its transfer to the United States and plotted with Spain for its recapture. An English fleet, supported by a land force, was driven back from Fort Bowyer (bō'yer) on Mobile Point by Major Lawrence.

General Jackson stormed and captured Pensacola from the combined forces of England and Spain. Two months later he won the battle of New Orleans, defeating with a small force the large British army under General Pakenham (pāk'en ām). After this the British captured Fort Bowyer, but peace had been declared by the Treaty of Ghent (gēnt), and the Britons were recalled to their island home.

1814

Jan. 8,
1815

Mobile was chartered as a city by the legislature of Alabama, December 19, 1819. Its favorable position on Mobile Bay gave it the advantages of both river and ocean trade.

Dec. 19,
1819

14. Mobile as a Commercial Center.—The rich lands bordering the Alabama and Tombigbee rivers and their tributaries were early occupied by intelligent, thrifty planters, who conducted business through commission merchants and agents in Mobile. Happy negroes labored for the production of corn, cotton, pumpkins, melons, fruits, potatoes, peas, pindars, and everything else that a soil and climate

of rare excellence could produce. Cotton was the king of products; it meant cash. Steamers that plied the beautiful rivers carried regularly to Mobile loads of cotton and other products of the fields, and returned with sugar, coffee, clothing, and other necessities and luxuries for the planters. Other towns and cities might check for a time the passage of products, but sooner or later Mobile received them or shared in their profits.

15. Mobile as a Social Center.—Mobile was a brilliant social center. Its beautiful old Southern homes offered a Southern welcome to visitors. The Christmas season was especially attractive. Planters would gather there at that time to make settlements and arrange for supplies for the ensuing year. Families from the country went there to enjoy the holiday festivities. The city attracted the beauty and chivalry, the virtue and intelligence of the land. A half century shed its glories on this happy state of things; but they were destined to cease.

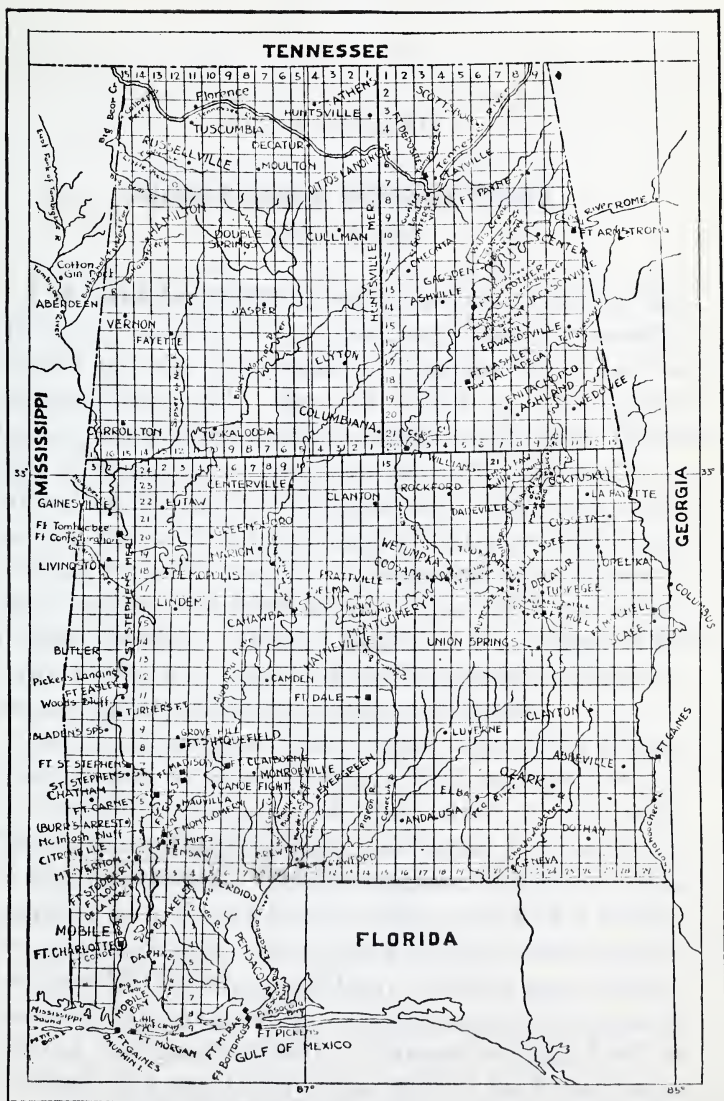
SUMMARY

The French planned by colonies along the Mississippi to squeeze the British out of America, and to establish a great French empire in America. La Salle named the southern portion of this region Louisiana in honor of Louis XIV of France. Iberville founded the colony of Louisiana by settlements at Biloxi and at Fort Louis de la Mobile. New Orleans was founded by Bienville, who, except during the governorships of Cadillac, L'Epainay, and Perier, was in command of the colony from 1701 to 1743. British successes in the French and Indian wars lost to France all her possessions in America. Louisiana east of the Mississippi, except New Orleans and the Isle of Orleans, fell to the British. Galvez captured Mobile for Spain, and General James

Wilkinson wrested it from Spain for the United States. The English tried to recapture it in the War of 1812, but failed. It became a great commercial and social center.

QUESTIONS

1. Why was settlement of the Gulf coast delayed?
2. Tell of La Salle's explorations and plans.
3. Give an account of the settlement at Biloxi; at Twenty-seven-mile Bluff; at Mobile.
4. What troubles did the colonists have with the Alibamons, and how were these troubles settled?
5. Describe the work of the missionaries.
6. Give an account of the colony under Crozat.
7. What forts were built and for what purposes?
8. Sketch the work of Bienville.
9. What was the "Mississippi Scheme" and what was its effect upon the colony?
10. When and how did French rule close?
11. Give an account of Mobile under British rule; under Spanish rule; under American rule.
12. Describe Mobile as a commercial center; as a social center.



Map of Settlements, Forts, Battlefields, etc.

CHAPTER III

ALEXANDER MCGILLIVRAY

(1746-1793)

1. **Alexander McGillivray's Father.**—Lachlan McGillivray (măk gil' i vrā) ran away from his wealthy Scotch parents and came to America when he was sixteen years old. He had heard so much about Indian adventures and the sights in the New World that he wanted to come over to see for himself. He landed at Charleston with less than fifty cents in his pocket, but with a happy spirit and a healthy body. Falling in with traders, he engaged as a driver of pack horses, and went at once into the heart of the Indian country. Given a knife, he exchanged it for a few skins, and thus laid the foundation of the immense fortune which he afterward made.

Captain Marchand (mar shōn'), one of the French commanders at Fort Toulouse, had married Sehoy', a Muscogee princess of the tribe of the wind. Their descendants became celebrated in the history of the Southwest. Their daughter Sehoy was first married to a Tōō kâ bat'cha chief, and had a daughter named Sehoy. She afterward met and married Lachlan McGillivray, and their children were Sophia, Jeannet, and Alexander. Sophia married Benjamin Durant, the noted athlete. Jeannet married LeClere Milfort, who was the warrior bold to lead the Creeks in battle. After the death of Jeannet, he returned to

1746

France, wrote a history of his stay among the Creeks, and became a general under Napoleon Bonaparte.

Lachlan McGillivray sided with the British during the Revolutionary War. When it closed he placed a vast amount of money and movable property on board a vessel and returned to Scotland, leaving his family to their fate in America. He had hoped that his family would be permitted to hold his negroes and two valuable plantations, but the Americans sold them and put the money in the public treasury.

2. Early Life of Alexander.—Alexander was naturally of a bright mind, and he took a classical course in a school at Charleston. On returning home he became the chief of the Upper Creeks. He was the shrewdest man of his time in making treaties with the English, Spanish, and Americans. He began his public acts in 1776 at Cōw e' ta on the Chattahoochee, when he presided over the grand council of the nations. Two years later the British made him a colonel, and associated him with Colonel Tate at Fort Toulouse, hoping thereby to keep the Creeks hostile to the Americans.

The indefinite treaties between England, France, Spain, and the United States caused many troubles along the borders. Georgia, by grant from the king of England, claimed the territory from the Savannah river to the Mississippi. It procured from the Cherokees and Creeks a cession of lands among the headwaters of the O cō' nee river. A majority of the Creeks declared the cession unfairly procured, and refused to agree to it; in fact, the Upper Creeks

1776

1783

opposed every measure which the Lower Creeks wanted.

3. Partner of Panton.—McGillivray became a silent partner in business with William Panton, who opened stores at St. Augustine, St. Johns, St. Marks, Pensacola, Mobile, and Chickasaw Bluff. Under Panton's influence McGillivray, as emperor of the Creeks and Seminoles, signed a treaty with Spain, became a Spanish agent, and promised to keep open the breach between the Creeks and Georgians. He baffled the United States commissioners in the treaties which they tried to make at Galphinton, and later at Cūs sē' ta. He advised the Indians not to accept the treaty of Rock Landing by which the Georgians claimed the Oconee lands. At the same time, to compel Panton and the Spaniards to pay him a larger salary, he made them believe that he would make a treaty with the United States. The reasons he gave were that he could expect more favors for his people and that he could recover his father's estate, which he valued at more than a hundred thousand dollars.

4. Treaty Made in New York—Upon the invitation of Colonel Marinus Willett, a United States secret agent to the Creeks, McGillivray and thirty chiefs visited General Washington in New York City. They were cordially received along the route, and upon entering the city they were met by the Tammany Society in full Indian uniform. With bands playing and flags flying they were escorted to the Federal Hall, where Congress was in session. They were taken to visit the President, the secretary

of war, and the governor of the State. A grand entertainment given at the city tavern closed the day.

1790 The honors and the feasts were so much enjoyed by McGillivray and the chiefs that they forgot their promises to their friends at home and concluded a treaty. The Oconee lands were surrendered. The Creek territory was not to be occupied by American settlers, the Creeks and Seminoles were to accept the protection of the United States, and were not to make treaties with any State or the individuals of any State. The Creek nation was to take possession of goods then stored in warehouses in Augusta, Georgia, and was to receive fifteen hundred dollars every year.

By a secret treaty with Washington, the Creek trade after two years was to be carried on through ports of the United States; a hundred dollars and a handsome medal were to be given every year to each of the chiefs of the Oc fūs' kees, Cowetas, Tallasses, Tookabatchas, Cussetas, and Seminoles.

McGillivray was made agent of the United States, with the rank of brigadier-general, on a salary of twelve hundred dollars a year. Creek youths, not more than four at one time, were to be educated in the North at the expense of the United States.

The Spaniards tried to win McGillivray back to them by making him superintendent-general of the Creek nation with a salary of thirty-five hundred dollars a year.

5. William Augustus Bowles.—William Augustus Bowles was a noted rival of Alexander McGillivray. He wandered into the Creek country, learned the

Creek language, married a chief's daughter, and acquired great influence. As the tool of Lord Dunmore, governor of the Bahamas, he tried to check the business undertakings of Panton, Leslie and Company, and to lessen the influence of McGillivray. Among the Creeks he was very popular. Aided by bad associates, he spread evil reports of McGillivray. He declared that McGillivray had sold his people first to the Spaniards and then to the United States. He was forced to leave the country by order of Colonel Milfort, who threatened to cut off his ears if he were not gone in twenty-four hours after receiving the order.

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Bowles then became a pirate to hunt down the vessels of Panton. He captured some of them loaded with arms and general merchandise, and ran them up into bayous, and spent days in drunken spree. He distributed the goods in the vessels among his roguish company of whites and Creeks.

6. McGillivray's Cunning and Deceit.—The New York treaty was not approved by the Indians and many of them lost faith in McGillivray, but his cunning could not be matched. He had Bowles arrested and transported to Madrid. He deceived Panton, Spain, and the Federal government, and kept on good terms with them all. Professing faithfulness to the United States, he assisted Spanish agents in opposing American settlements and obstructing American engineers in establishing the Creek and Georgia boundary line. At one and the same time he was the agent and a brigadier-general of the United States on a salary of twelve hundred dollars a year,

the agent of Spain on a salary of thirty-five hundred a year, the partner of Panton, and the emperor of the Creek and Seminole nations. His frequent visits to New Orleans threw him constantly with Governor Cárion de Let, whose orders to expel Americans from the Creek country no doubt pleased McGillivray, the "Talleyrand* (tāl lī rānd') of Alabama," as the historian Pickett calls him.

The Federal government never restored his father's estate, and his Indian notion of morality made him think that he was doing right to deceive the United States and thus get back some of the money which he felt was justly due him.

He naturally liked the British and Spanish better than the Americans; but he foresaw the future greatness of the United States, and he sided with that country, which was rapidly spreading its authority over the western continent.

7. Kindness and Hospitality.—The rascality of traders and agents often brought terror and bloodshed. Families and companies of traders and travellers were massacred.† Sometimes by accident one or more members of the attacked party escaped. Mc-

*Talleyrand was a wily French politician and diplomat in the time of the Bourbons and Napoleon.

†Colonel Pickett says that in 1788 Colonel Kirkland, of South Carolina, with his son, nephew, and several others, stopped at the home of McGillivray on their way to Pensacola; that McGillivray sent a servant with them as they left his house that the Indians might know they were friends; that a Hillabee Indian, a white man, and a negro murdered them in camp at night in what is now Conecuh county, on the bank of the stream which has ever since been called Murder Creek.

Gillivray was ever kind to the distressed, and his sisters and servants took part in several thrilling rescues and frequently gave protection to unfortunates.

McGillivray kept open house to friends and foes; but since he was selfish and dishonestly ambitious,



Murder Creek

he used this hospitality as a means of advancing his own interests.

8. Death and Burial.—McGillivray died in Pensacola and was buried in that city with masonic honors in the beautiful garden of William Panton. His Indian subjects were deeply saddened by his death, and grieved that so distinguished a chief should

Feb. 17,
1793

sleep his last sleep in the soil of the Seminoles. His remains were afterwards removed to Aberdeen, Scotland.

SUMMARY

Lachlan McGillivray, a Scotch youth, became a trader among American Indians; married Sehoy, the daughter of Captain Marchand and Sehoy, the Muscogee princess. Their three children, Sophia, Jeannet, and Alexander, were noted in history. Alexander was the greatest diplomat of his day. As chief of the Upper Creeks and powerful by his influence among the British, Spanish, and Americans, he had much to do with treaties, land sales, and other business between the Indians and the nations that had colonies in the southern part of the country. He was a great statesman, a great merchant, a great mason, and the close friend of William Panton.

QUESTIONS

1. Describe Lachlan McGillivray as a youth; as a business man; as a friend of the British.
2. Whom did he marry, and who were his children?
3. Sketch the early life of his son Alexander.
4. In what way was Alexander McGillivray honored in 1776?
5. How was he courted by the British, Spanish, and Americans?
6. What resulted from indefinite treaties?
7. What were McGillivray's relations with William Panton?
8. Describe his visit to New York along with other chiefs.
9. Give the terms of the treaty concluded in New York, and of the secret treaty with President Washington.
10. What troubles did he have with William Augustus Bowles?
11. What deceit did he practice, and for what reasons?
12. Describe his hospitality and kindness.
13. Give an account of his death and burial.

CHAPTER IV

WEATHERFORD AND PUSHMATAHA

(1780-1826)

(1765-1824)

1. Parentage of Weatherford.—Seloy, the daughter of Seloy Marchand and the Tookabatcha chief, had some romantic experiences. She was a beautiful girl, and bore the beloved family name from mother and grandmother. She married early, as beautiful maidens usually do. In her time the English held Fort Toulouse, and Colonel Tate, the British officer in command, married her. After awhile he deserted her, leaving her the mother of several children, but still young and beautiful.

Charles Weatherford, a thrifty Scotch peddler, met, admired, and married this buxom grass widow. He made his home on the Alabama river, a little below the junction of the Coosa and Tallapoosa rivers. He prospered in store and farm; bought negroes and fine horses; built his far-famed race-track, upon which he trained his blooded steeds. His native tact, his marriage with Seloy, the half-sister of McGillivray, his race-track, and his prosperity made him a popular man, and drew about him the leading warriors of the tribes.

2. Early Life.—In this home of plenty was born and reared his distinguished son William, who was called Lă mō chăt'tee, the Red Eagle.

1780

Bold, gifted, and eloquent, William was a born leader of men. In the company of his uncles, Alexander McGillivray and LeClere Milfort, he learned how the whites had wronged his mother's people. Wars with the Choctaws and Chickasaws, and occasional attacks on the whites, gave him something of a soldier's training.

He heard Te cum'seh's war speech at Tookabat-cha, and advised against his plans. When he found the Creeks determined to go to war, he was very sad. His brother John, his half-brother David Tate, and others of his blood were friendly to the whites. His property was in danger. No matter on which side he fought he was bound to suffer. The war came on. He could not stand an idle watcher. He joined the Creeks.

3. Massacre of Fort Mims.—Fort Mims was situated in the Tensaw settlement near the Alabama river. Major Daniel Beasley, a brave but over-confident officer, was in command of it. The excited people had gathered there for protection. The defeat of the Americans at Burnt Corn had filled the country with alarm. In the fort were five hundred and fifty-three people—old men, women and children, negroes, friendly Indians, and soldiers,—against whom Hopiee (Hō pī' ye) Tus ten nug' gee or Far-Off Warrior, Peter McQueen, High-Head Jim, Hillis Hadjo, the prophet, See' kā boo, the Shawnee, and Weatherford led a thousand painted warriors.

False rumors had so often alarmed the people in the fort that when two negroes reported signs of Indians, one was whipped, and the other, tied to be

whipped, looked upon the awful conflict until he met death by the hands of the foe against whom he had vainly warned his master.

On the morning of August 30, 1813, in Fort Mims, happy children were playing, and young men and maidens were dancing and rollicking. General Thomas S. Woodward* says that Major Beasley was drunk, and called Jim Cornells a coward for reporting the Indians to be near.

Aug. 30,
1813

At ten o'clock Major Beasley wrote General Claiborne that he could defend the fort against any force the Indians might bring against it. At twelve o'clock when the drum beat for dinner and the soldiers were off their guard, Weatherford and his warriors rushed suddenly upon the fort and gained the principal gateway before it could be closed. Fearful was the attack and desperately brave was the defense.

For five dreadful hours the battle raged. The blood-thirsty savages, mad with slaughter, spared neither women nor children. The massacre of the helpless and innocent was contrary to the orders of Weatherford. When he found that he could not stop it, he rode away in sorrow. It is said that he never recalled the scene without a shudder of horror.

Only about forty of the inmates of the fort escaped death. The fires that glowed in the evening over the burning fort charred the scalped and mutilated remains of five hundred people, while more than a

*General Thomas S. Woodward, a half-breed Indian, lived during the Creek War. He wrote many valuable letters on the history of the times.

The first of these was the discovery of gold in California in 1848. This discovery led to a great influx of people to California, and the state became a great center of population. The second was the discovery of gold in Nevada in 1859. This discovery led to a great influx of people to Nevada, and the state became a great center of population. The third was the discovery of gold in Colorado in 1859. This discovery led to a great influx of people to Colorado, and the state became a great center of population.

The fourth was the discovery of gold in Idaho in 1860. This discovery led to a great influx of people to Idaho, and the state became a great center of population. The fifth was the discovery of gold in Montana in 1862. This discovery led to a great influx of people to Montana, and the state became a great center of population. The sixth was the discovery of gold in Wyoming in 1869. This discovery led to a great influx of people to Wyoming, and the state became a great center of population.

The seventh was the discovery of gold in Utah in 1871. This discovery led to a great influx of people to Utah, and the state became a great center of population. The eighth was the discovery of gold in Arizona in 1876. This discovery led to a great influx of people to Arizona, and the state became a great center of population. The ninth was the discovery of gold in New Mexico in 1878. This discovery led to a great influx of people to New Mexico, and the state became a great center of population.

The tenth was the discovery of gold in Texas in 1880. This discovery led to a great influx of people to Texas, and the state became a great center of population. The eleventh was the discovery of gold in Oklahoma in 1889. This discovery led to a great influx of people to Oklahoma, and the state became a great center of population.

hundred bodies of dead Indians lay around the stockade lines and in the woods.

Ten days afterward Captain Kennedy with his company arrived on the scene. He found buzzards, dogs, and other animals eating the dead bodies. Two long ditches were dug, and into them were placed the remnants of bones and flesh. The earth was thrown over these remnants, and the burial was done.

4. Battle of Holy Ground.—The country was aroused as never before nor since. Jackson soon marched from the north, Floyd from the east, Claiborne and Push mā tā' hā from the south and the west.

The homes of Weatherford and the prophets were at E cō nā chā' cā, the Holy Ground, on the Alabama river in the present county of Lowndes. The property and families of many Indians had been gathered there. The place was supposed to be safe from attacks of the whites. It was strongly fortified, and the prophets had surrounded it with enchanted circles within which they declared no white man could pass and live. A bold garrison of native warriors, commanded by Weatherford and cheered by the fanatical speeches of the prophets, defied attack.

On December 23, 1813, General Claiborne attacked the town. The Indians saw their prophets killed and the white men crossing the enchanted lines. They became panic-stricken and began to flee. Weatherford could not rally them and was himself compelled to flee. Mounted on Arrow, his splendid charger, he galloped to the river's brink. Finding himself hotly pursued, he spurred his horse over a fifteen-foot

Dec. 23,
1813

precipice into the river; horse and rider sank out of sight, but quickly arose. The horse swam the river, bearing his master beyond the reach of pursuit.

The town was burned. Its spoils were given to Pushmataha and his men, who had nobly aided in the attack.

Rain and cold made severe suffering for the soldiers during the few days following, but the brave fellows were glad to have taught the Indians that the Holy Ground was not, as the prophets said, "the grave of the white man."

5. Surrender of Weatherford.—General Jackson's victories following closely upon this one broke the power of the Creeks in northern Alabama. Weatherford saw that the Creek cause was hopeless. Jackson demanded his surrender as a condition of peace. Weatherford knew the deep-seated hatred toward him; that he was called "the murderer of Fort Mims"; that death would likely befall him if he surrendered. He was a brave man, and he wished to save the women and children from starving and his nation from being wiped out of existence. He proceeded to the tent of General Jackson and surrendered. He said that he was willing to die, but he begged for soldiers to be sent into the woods for the starving women and children of the war-party.

General Jackson admired his manly courage, respected the feelings that prompted his surrender, and cheerfully talked with him about the war and the troubles it had brought. Weatherford accepted the terms of surrender, and used his influence to have all the Creeks accept them. Fearing that he

the first of these was the fact that the United States had no standing army. The only military force was the militia, which was composed of all the able-bodied men in the country. This was a great disadvantage, for it meant that the United States had no regular army to defend itself against foreign attacks. The second disadvantage was that the United States had no navy. This was also a great disadvantage, for it meant that the United States had no way of defending itself against attacks from the sea.

The third disadvantage was that the United States had no money. The only source of money was the sale of land, which was a very slow process. This meant that the United States had no way of raising money to pay for its debts or to build up its military. The fourth disadvantage was that the United States had no political system. The only form of government was a loose confederation of states, which was not strong enough to defend itself against foreign attacks.

The fifth disadvantage was that the United States had no territory. The only territory was the land that had been sold to the United States by the British. This was a very small area of land, and it was not enough to support a large population. The sixth disadvantage was that the United States had no population. The only people in the United States were the people who had been sold to the United States by the British. This was a very small number of people, and it was not enough to support a large population.

The seventh disadvantage was that the United States had no industry. The only industry was the sale of land, which was a very slow process. This meant that the United States had no way of raising money to pay for its debts or to build up its military. The eighth disadvantage was that the United States had no commerce. The only commerce was the sale of land, which was a very slow process. This meant that the United States had no way of raising money to pay for its debts or to build up its military.

The ninth disadvantage was that the United States had no culture. The only culture was the culture of the people who had been sold to the United States by the British. This was a very small number of people, and it was not enough to support a large population. The tenth disadvantage was that the United States had no religion. The only religion was the religion of the people who had been sold to the United States by the British. This was a very small number of people, and it was not enough to support a large population.

The eleventh disadvantage was that the United States had no education. The only education was the education of the people who had been sold to the United States by the British. This was a very small number of people, and it was not enough to support a large population. The twelfth disadvantage was that the United States had no science. The only science was the science of the people who had been sold to the United States by the British. This was a very small number of people, and it was not enough to support a large population.

The thirteenth disadvantage was that the United States had no art. The only art was the art of the people who had been sold to the United States by the British. This was a very small number of people, and it was not enough to support a large population.

would be killed by soldiers who had lost relatives and friends at Fort Mims, some of the American officers guarded him carefully until he could be sent beyond the reach of immediate danger.

6. Private Life and Death.—After the war Weatherford lived quietly and honorably on his Little River farm in the lower part of Monroe county. His name, once a terror to the settlers, was an honor to the private life of the citizen. He died in the spring of 1826. *The Red Eagle*, a beautiful poem by A. B. Meek, takes William Weatherford for its hero.

7. Early Life of Pushmataha.—It is not really known who were the forefathers of Pushmataha, but he was born in 1765 somewhere in eastern Mississippi, probably near Macon on the bank of Nox'ubee river. In raids against the Osage Indians beyond the Mississippi, he was discovered to be a brave and wise man, and was made chief of the Choctaws. At one time he lived near Meridian, and afterward in Clarke county,



Pushmataha

Mississippi, near the headwaters of Buckatunna creek.

8. Friendship for the Whites.—When Tecumseh visited the Choctaws, Pushmataha followed him from place to place, and argued earnestly against his

designs. Pushmataha's influence was so great that Tecumseh could not persuade the Choctaws to go to war. It has been said that the Choctaws, as a nation, never in war shed the blood of a white man. A small band of them joined the Creek war-party. Pushmataha afterwards captured the members of this band. He compelled them to pass between the high banks of a sunken road, and, while passing, they were shot to death by his orders.

The "Tombigbee Settlements" were surrounded by Indians, and were completely separated from friends in Georgia and Tennessee. The Creeks and the tribes related to them occupied the country from the Oconee to the Alabama rivers. The Cherokees lived along the Tennessee. The Chickasaws held northwest Alabama and northern Mississippi. The Choctaws dwelt in central and southern Mississippi. The Choctaws and Creeks were still disputing over possession of the region between the Black Warrior and the Tombigbee rivers. The whites were in extreme danger, and there was much fear lest the Choctaws should forget their long-standing friendship and unite with the Creeks. Had they done so, the Chickasaws and Cherokees would probably have done likewise, the whites would all have been killed, and the history of Alabama would have been entirely changed.

At the outbreak of the Creek War Pushmataha offered himself and his people as allies of the whites. He led his warriors in the battle of the Holy Ground, and did other important service for the Americans. He was a true patriot, ever watchful for the good of

his tribes, and ever anxious to preserve friendly relations with the white settlers. He was much admired by the Americans. General Jackson pronounced him the bravest man he ever saw.

9. Vanity and Popularity.—Pushmataha was very vain. Entering a company of whites, he would ask, "Do you know who I am? I am General Pushmataha." His vanity, however, did not lessen his popularity among the Choctaws nor among the whites. His timely aid saved the whites from destruction, and they honored him in life and in death.

10. Death and Burial.—Pushmataha's great weakness was drunkenness. He probably brought on his death by a long drunken spree, though quinsy is named as the disease which killed him. He died in Washington City, having gone there with a committee of his people on business with the United States government. General Jackson visited him on his deathbed, and heard his request, "When I am gone, let the big guns be fired over me." He was buried in the Congressional Cemetery with military honors. His body was attended to its last resting-place by the great men of the country. The big guns were fired over his grave.

The inscription on his tombstone reads, "A warrior of great distinction, wise in council, eloquent in an extraordinary degree, and on all occasions and under all circumstances the white man's friend."

11. Treaty of Dancing Rabbit Creek.—Six years after the death of Pushmataha, by the treaty of Dancing Rabbit Creek, the Choctaws very unwillingly ceded to the United States all their lands east

Dec. 21,
1821

Sept. 27,
1830

of the Mississippi river. They were advised to prepare for removal to hunting-grounds in regions west of the Mississippi. In the great War between the States they aided the South, thus proving their devotion to the friends of their fathers.

Colonel John McKee was the United States agent to the Chickasaws. He encouraged them to remain friendly to the whites, and kept them from joining the Creek war-party.

SUMMARY

William Weatherford, the gifted nephew of Alexander McGillivray, was half brother to David Tate. He opposed the war counsels of Tecumseh, but joined the Creeks at the outbreak of the war. He helped to inspire the attack on Fort Mims, but would have checked the terrible massacre of the whites. He commanded the Indians at the battle of Holy Ground, and was present at the battle of Calebree. To save his people from starvation, he surrendered to Jackson and helped to bring about peace between the Creeks and Americans. He lived honorably and quietly after the war, and died in 1826.

Pushmataha, the eloquent chief of the Choctaws, also opposed the war counsels of Tecumseh, but sided with the whites when the war began. He kept the Choctaws ever faithful to the whites, fought bravely as their ally, and was honored gratefully by the American people.

QUESTIONS

1. Sketch the family history of William Weatherford.
2. Why did he join the Creeks instead of the whites in the Creek War?
3. Describe the Massacre of Fort Mims, and its effect upon the country.
4. Describe the battle of Holy Ground.
5. Give an account of the surrender of Weatherford.
6. Give a brief sketch of his life after the war.
7. Who was Pushmataha?
8. How did he regard the counsels of Tecumseh?
9. Tell of his friendship for the whites.
10. Describe his death and burial.
11. What were the terms of the Treaty of Dancing Rabbit Creek?
12. Who kept the Chickasaws from joining with the Creeks?

CHAPTER V

SAMUEL DALE

(1772-1841)

1. Early Life.—Samuel Dale was called the Daniel Boone of the Southwest because of his daring deeds as a backwoodsman. Born in Virginia and removed early to Georgia, he was familiar with all the hardships and rich adventures of border life. His father and mother died before he was twenty years old, leaving him heavily in debt to take care of seven brothers and sisters. The Indians were constantly about him, killing his neighbors, burning homes, destroying crops and cattle, and threatening every interest dear to his heart. Food was scarce, but experience had taught Dale how to meet boldly and confidently every danger and difficulty.

1796

He made good crops and paid his debts. In the winter of 1796, he became a wagoner in Savannah, Georgia, but returned to his farm in the spring. He met success in business, and used his profits for buying goods. These he exchanged among the Creeks for ponies and cattle, hides and tallow, which he sold to his American neighbors.

He hauled a great many families from Georgia to the Mississippi Territory. His caution and bravery fitted him to protect the lives and property of movers. He kept several wagons on the road, and established a trading-post so as to have return loads of Indian products. He served as guide to the

United States commissioners, Harris and Easley, in marking out the public road through the Cherokee nation.

He could not keep out of the border wars. He acted as scout and aided his fellow Georgians in beating back the Creeks, who were forever disputing, and with good reasons, the rights of the whites to advance into their territory and occupy their lands.

2. Tecumseh Arouses the Indians.—Dale was present at the annual grand council of the Creeks at Tookabatcha on the Tallapoosa river. Tecumseh, the celebrated chief of the Shawnees in the North, and his brother Francis were there. They wished to arouse the Creeks to war against the whites. Benjamin Hawkins, the United States agent, was present, but did not understand the anger of the Creeks towards the Americans. He supposed that

1811

civil war might arise among the Indians, but he would not believe that the Creeks could be persuaded to take up arms against the whites.



Tecumseh

Tecumseh, with twenty-four warriors of his tribe, marched for several nights in perfect silence into the great square, took the pipe offered by the

Great Warrior of the Creeks, passed it to his warriors, who passed it from one to the other until it went to all; and then in silence and single file they marched back to their cabin, around which they

danced, without saluting any one, the dance of the northern tribes. These strange actions filled the Creeks and their Choctaw visitors with awe and wonder.

Every morning after the council had met together, Tecumseh would send word that he would on that day make his "talk." Later in the day he would send another message that "the sun was too far advanced in the heavens, and he would wait until the next day for his 'talk'." Mr. Hawkins grew impatient and left, but Dale had a warm friend, Will Milfort, a half-breed, whom he had nursed through a spell of sickness, who promised to report when Tecumseh was ready to talk. Milfort kept his word, and Dale was present.

Before their visit to the council Tecumseh and his followers repeated the mysterious marching, making scowling faces, turning to all points of the compass, circling round and round, burning tobacco and sumac. When they reached the council, the Shawnee war-whoop was raised. Tecumseh then began his talk. He spoke slowly at first and deliberately; but soon his words poured, his bright eyes flashed, his frame shook, his face showed his changing feelings, and the tones of his voice aroused the passions of war. His listeners clutched their knives and waved their tomahawks in the air.

The speech committed the Creeks to war—war so cruel to the whites and so fatal to the Creeks.

3. Battle of Burnt Corn.—Dale had settled in Clarke county, Alabama, in 1808. When the Creek War broke out he raised a company and joined

Colonel James C  lter to head off and capture Peter McQueen and High-Head Jim, who were returning from Pensacola with army supplies furnished by British agents and Spanish citizens.

The forces met and fought the Battle of Burnt Corn, so called from the name of the creek on which it occurred. The battle opened with advantage to the Americans, but after the Indians had been driven from their camp, the Americans began to gather the spoils and to catch the Indian ponies. The Indians fired from the woods upon the whites in the open, charged with yells, and threw them into confusion and flight. The brave deeds and daring efforts of the officers failed to check the rout of the Americans. With the loss of the battle went the greater loss of respect for American valor and arms. It was afterward considered a disgrace to have been in this battle.

July 27,
1813

4. Defense of Fort Madison.—A horrible massacre had occurred at Fort Sinkingfield (sink'field) in Clarke county. Those who survived fled to Fort Madison, ten miles away, which General Claiborne feared to be too weak for defense. He gave to Colonel Joseph Carson, in command, the privilege of leaving the fort and going to Fort St. Stephens. Colonel Carson thought that he had positive orders to leave, and as his bugle blew calling out the troops, Captains Dale and Evan Austill had another bugle sounded calling for volunteers to defend the fort with the women and children who could not leave. About eighty volunteers remained. General Flournoy (flur noy') wrote to Dale, advising that they

Sept. 2,
1813

Sept. 8,
1813

leave the fort and go to Mount Vernon. Dale replied, "There are many women and children here



Jeremiah Austill

whom I have sworn to defend. I have a gallant set of fellows with me, and when you hear of the fall of Fort Madison you will find a pile of yellow hides here to tan if you can get your regulars to come and skin them." Colonel Carson soon returned. The fort was not attacked. William Weatherford had visited it as a spy and had reported to the Indian leaders that it was too strong to be taken.

Nov. 12,
1813

5. The Canoe Fight.—Jeremiah Austill, James Smith, and Sam Dale were the heroes of the celebrated "Canoe Fight," which took place on the Alabama river above French's Landing. The Indians had been making raids around Fort Madison, and Dale obtained permission from Colonel Carson to drive them away. Taking with him seventy men, he began to scour the country for Indians. After crossing the Alabama river a skirmish fire took place between his forces and the Indians hidden in the canes. Sending the larger body of his men back to the western bank, he and eleven others remained on the eastern side.

As Dale and his men, from their dangerous position, looked upon the river they saw floating down the current a large flat-bottomed canoe in which were a chief and ten painted warriors. The Indians

were about to land, but seeing the whites on the bank ready to stop them, they backed out into the river. Two Indians slipped out of the canoe and swam to shore. James Smith killed one of them as he reached the bank.

The Indians on land for some unknown reason ceased firing and went away. A negro, Caesar, had a small dugout in which he could carry three men. Dale stepped into it, and called for volunteers to attack the Indians in the large canoe. Jeremiah



The Canoe Fight

Austill and James Smith followed. All wanted to go, but the little canoe would hold no more.

Whites and Indians knew that the combat would be a fight to the death. As the canoes neared each other, the chief recognized Dale and shouted, "Now for it, Sam Thlucco." Rifles, clubs, and oars were plied desperately. Austill was in the prow of the

little canoe and was knocked down by the chief in the first onset. A second time he was knocked down, only to rise again for bloody battle with his enemies. Smith and Dale were dealing death with clubbed rifles. Nobody flinched. Every Indian was killed. One fell into the water during the fight. When the onset closed eight dead bodies were lifted from the Indian canoe and pitched into the river, while the Americans on shore shouted long and loud in honor of the victory. No other naval battle, ancient or modern, ever displayed greater individual valor and daring.

Captain Dale and his companions returned to their nine friends left on the eastern side, and carried them in the bloody canoes to the western bank.

6. Dale a Farmer.—Dale became a farmer after the close of the Creek War. He furnished General McIntosh a thousand bushels of corn for the starving forces of Major Woolfolk at Fort Jackson, for which he was never paid by the United States.

The destitute Indians and immigrants imposed upon him for supplies for which they never paid, and finally forced him to fail in business.

1814

7. Trip to New Orleans.—Late in December, 1814, business carried Dale to Fort Hawkins, Georgia. At the request of Colonel Hawkins and General McIntosh, he agreed to carry an order from the secretary of war to General Jackson at New Orleans. He bought Paddy, a stoutly-built pony, for the trip. In eight days he was in New Orleans. When he reached Jackson's headquarters the battle of New Orleans had begun. For the first time in his life

Dale beheld a regular, pitched battle between large numbers of civilized forces. He was spellbound by the awful grandeur of the scene.

Jan. 8
1815

General Jackson was so astonished at Dale's speed in bringing the dispatches that he sent him back to Georgia with other dispatches. As Dale reached Fort Decatur on the Tallapoosa, wet and almost frozen, General McIntosh helped him from Paddy, put his arms around him, carried him to the fire, gave him food and hot coffee, and kept him quiet until he was rested and warm. Dale then delivered the dispatches and told of the glorious battle at New Orleans. The old general wept and shouted for joy. Officers and men came rushing to the door, and Dale had to tell the story over and over until daylight, while the delighted patriots shouted with wildest huzzas.

He went on to Milledgeville, delivered his dispatches, and then returned to Dale's Ferry on the Alabama river, where he again took up business.

8. Public Services.—Governor Holmes had great confidence in Dale. He sent him commissions in blank, and permitted him to appoint justices, sheriffs, constables, and other civil officers.

After the Creek War Dale's life was full of work and honors. He was a delegate to the convention that met at the house of John Ford, an old settler, on the Pearl river, to divide the Mississippi Territory, the western portion to form a State and the eastern to constitute Alabama Territory. He served many years in the general assembly of Alabama, beginning as a delegate to the first assembly that met

1816

at St. Stephens. He was a member of the legislative committee that met General LaHayette at the Chat-tahoochee and escorted him to Montgomery. With George S. Gaines he helped to remove the Choctaws to their new homes on the Arkansas and Red rivers.

9. Later Life.—Dale bought from an Indian two sections of land in Lauderdale county, Mississippi, and lived there during his last years. He served several terms in the general assembly of Mississippi. He visited Washington during Jackson's administration, and spent many pleasant hours alone with the President, talking over campaigns and other matters of interest in those wonderful years.

Dale met most of the great men of the times. Calhoun, Clay, Webster, Benton, William R. King, and others showed him much attention and captured his honest heart. He was not educated in books, but he knew men and the country, and his opinions were expressed in words that instructed his listener. The great politicians loved to talk with him, and they valued highly the information which he gave them. He was a manly and worthy pioneer who loved his country and loved it well.

Dale county in Alabama is named for him.

May 24,
1841

10. Death and Burial.—General Dale died on May 24, 1841, calm and self-possessed, and was buried near Daleville, Mississippi. Shortly after his burial it is said that a Choctaw chief, standing by his grave, said, "You sleep here, Big Sam, but your spirit is a chieftain and a brave in the hunting-ground of the sky."

In peace the Creeks respected and loved him.

Weatherford admired him and had him as groomsmen at his marriage. The hungry Indians lived on his fields, "but in battle the name of Big Sam fell on the ears of the Seminole like that of Marius on the hordes of the Cimbri."

SUMMARY

General Samuel Dale was among the greatest men of pioneer history. His young life battled against poverty and met all the hardships and dangers of border civilization. His daring made him in demand for protection of travellers. He was present at the Tookabatcha grand council when Tecumseh spoke; shared the mortification of defeat at Burnt Corn; bravely stood with Captain Austill for the defense of Fort Madison; was chief hero in the Canoe Fight; and brave and true in all things. He was a courier to Jackson with an express from the secretary of war, and saw the engagement between the English and American forces in the battle of New Orleans. He was generous to his own loss, but his devotion to the public good gave him a seat in the general assemblies of Alabama and Mississippi. He died in Daleville, Miss.

QUESTIONS

1. Give an account of Dale's early life.
2. What service did he render to movers?
3. Describe Tecumseh's actions and talk at the Tookabatcha grand council.
4. Describe the battle of Burnt Corn.
5. What was Dale's conduct at Fort Madison?
6. Relate the incidents of the Canoe Fight.
7. What caused Dale to fail as a farmer?
8. Describe his trip to New Orleans and his report of the battle there.
9. What public services did he render?
10. Give an account of his visit to Washington.
11. What great men met and admired him?
12. Relate the incidents of his death and burial.



Andrew Jackson

CHAPTER VI

ANDREW JACKSON IN ALABAMA (1813-1814)

1. Jackson Takes Command in Creek War.—

1813 When Mr. George S. Gaines reported the massacre of Fort Mims to Governor Blount, of Tennessee, Andrew Jackson was suffering from an arm wounded in a difficulty with the Bentons. He was so excited by the news that he arose from his bed, and took command of the Tennessee troops for the Creek War.

2. General Coffee Sent to Huntsville.—General John Coffee, with five hundred cavalymen and such other mounted troops as he might gather on the way, was sent ahead to Huntsville to quiet the people in

that region where there was much excitement on account of Indian butcheries and rumors of Indian attacks.

When Jackson reached Fayetteville, Tennessee, a dispatch from General Coffee reported that the Indians were approaching. So anxious were Jackson's soldiers to meet the Indians that they marched on foot thirty-two miles in five hours that they might take part in the expected battle. Coffee was misinformed, but the speed with which the western frontiersmen moved and the way that they held out on the march showed that much could be expected of them.

3. Lack of Supplies.—

General Cocke and General White were to bring troops and supplies from East Tennessee and join with Jackson in north Alabama. The troops and provisions were collected, but the Tennessee river was too low for boats at this



John Coffee

time, and the provisions could not be shipped. The scanty supplies at Huntsville were soon exhausted, and what could be procured from the surrounding country was not enough to sustain the troops. Jackson waited in vain at Camp Coffee for the promised supplies. Cutting through the mountains, he moved up to Thompson's creek, and established

Oct. 25,
1813

Fort Deposit. He did not know the shallow state of the upper Tennessee river, and he bitterly blamed General Cocke for his lack of supplies. On October, 25, 1813, he moved southward from Fort Deposit.

Nov. 3,
1813

4. Battle of Tallasehatche.—On November 3, General Coffee, with a thousand mounted men and a body of friendly Creeks, struck *Tāl lā sē hāt'che*, an Indian town fifteen miles east of Jackson's camp. In the hottest of the battle a frantic prophet leaped upon a house-top and shouted, "The Great Spirit is on the side of the red men, and his spirits will catch the bullets of the Americans. Look at me on the top of the house in full view of the Americans, and I am still unharmed." An American soldier soon discovered the prophet and killed him with a rifle ball.

Not one of the Indian warriors was alive after the battle. One hundred and eighty, all they could muster, were killed. Eighty-four women and children were captured. Five Americans were killed and eighteen were wounded. "We have retaliated for the destruction of Fort Mims," wrote Jackson to Governor Blount.

After the battle a slain mother was found embracing her living son. None of the women prisoners could be persuaded to take the child and rear it. "No," they said, "all his relations are dead; kill him too." Jackson sent the boy to the Hermitage, and Mrs. Jackson reared him. The boy was named *Lin cō' yer*. He was devoted to his foster-parents. He died of consumption just as he became grown.

5. Relief of Talladega.—The hostile Creeks completely surrounded *Tāl lā dē' gā*, a town of friendly

Creeks. They guarded it so thoroughly that no messenger could slip through to report to Jackson. General Thomas S. Woodward denies the story of the friendly chief and the hog's skin. Some historians say that the chief put on a hog's skin, with head and feet attached. Stooping down, he went along rooting and grunting until he passed the picket lines of the enemy, when, throwing off the skin, he fled to Jackson and reported. However this may be, Jackson rushed to the relief of his besieged friends. On November 9, his troops charged at sunrise, and when the battle was over Talladega was relieved. Nearly three hundred hostile Indians were killed, and doubtless many more died of wounds.

Nov.
1812

6. Lack of Supplies Causes Mutiny.—Jackson returned to Fort Strother, happy over victory and hopeful of supplies. No grain nor meat had been received. Jackson wrote to Governor Blount and others begging for supplies for his starving army.

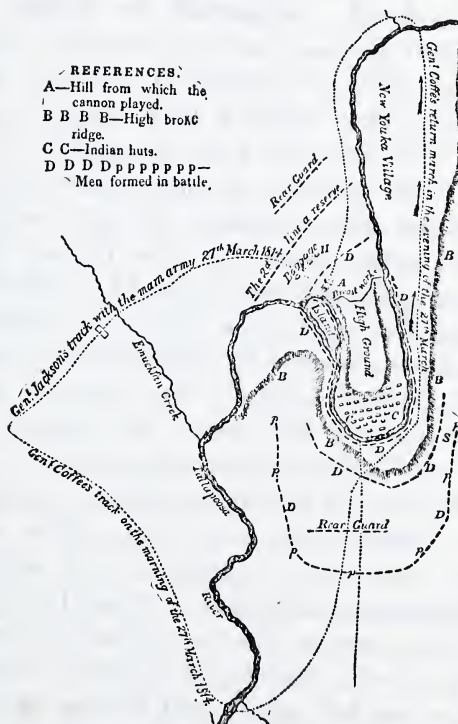
The militia mutinied, but with the volunteers Jackson forced them to return to duty. The next day the volunteers mutinied, but with the militia Jackson forced them back to duty. On another occasion Jackson ordered the artillery to oppose the mutineers. On still another, he rode to the front and with his well arm he aimed a musket at the column of mutineers and vowed to kill the first man that dared to move forward. He thus mastered outbreaks, but his short-term troops would not enlist again, and his army was at one time so reduced in numbers that he had only about one hundred men.

7. Attack on the Hillabee Indians.—Robert Graison (grā'son), a Scotchman, who had lived a long time among the Indians, bore offers of peace from the Hil' là bee Indians. Jackson accepted them. In the meantime General Cocke, who knew nothing of messages to Jackson and the terms of peace that had been made, ordered General White to attack the Hillabees. General White made the attack, killing sixty of their warriors and capturing two hundred and fifty of their women and children. The Indians regarded this as treachery, and in future battles they refused to surrender, believing they would be killed no matter what promises of safety were made.

8. Red Sticks Defeated by Floyd.—General Floyd, with Georgia troops and a few hundred friendly Creeks, defeated the Red Sticks at Autōs'se and burned the town. He returned to Fort Mitchell. Two months later, when he advanced a second time into their country, the savages attacked him fiercely at Cālē' bee creek, and they were again repulsed; but the Georgians suffered so much in this battle that they retreated to the Chattahoochee. These campaigns of General Floyd served to draw large bodies from the front of Jackson and to prepare the way for the victories of that lion-hearted chieftain.

9. Jackson in the Creek Country.—Jackson, reënforced by fresh troops, moved boldly into the country of the Creeks, defeated them at E mūek' fau and at E nit ā chop' co; but the battle at Enitachopeo was attended in the outset with such advantages to the Indians that Jackson did not want another bout with them at that time and hurried on to Fort

Strother. Several chiefs and warriors of the battle afterward reported that they "whipped Captain Jackson and ran him to the Coosa."



Battlefield of Horseshoe Bend

10. Horseshoe Bend Fortified by Indians.—The larger bodies of Indians were fortifying To hōpé'ka on the Tallapoosa river. This is the celebrated Horseshoe Bend, admirably located for defense, but a very dangerous position if not carefully guarded. About one hundred acres of land were in the Bend. Across its neck the Indians built breastworks of logs.

Here had gathered the warriors of many tribes; here was to be fought the battle that brought the Creek War to a close.

Mar. 27, 1814 **11. Battle of Horseshoe Bend.**—From Fort Strother Jackson marched against this stronghold. On the morning of March 27, 1814, he dispatched General Coffee, with a large body of cavalry and friendly Indians, to ford the river two miles below the breastworks and to encircle the Bend with soldiers so that the Indians could not escape. He himself moved with his main army against the breastworks. At ten o'clock the firing began, at first with cannon and then with rifles and muskets.

A brave detachment of Coffee's command under Colonel Morgan and Captain Russell swam their horses across the river and secured the Indian canoes. In these canoes the main body of Coffee's men passed over the river into the rear of the Bend. Flames within the town gave signal to Jackson that Coffee was attacking in the rear. Jackson at once ordered the storming of the breastworks. These had been so constructed as to expose soldiers making the attack to both a direct and a flanking fire. The Americans carried the works, but not until fearful slaughter had dyed the logs with the life-blood of the Indians and the Americans.

The Red Sticks, though attacked in front and rear, fought long and desperately. The torch was applied to their retreats, and as they fled they refused mercy. Some wounded and lying on the ground fought those who would have saved them. Remembering the Hillabee slaughter, they expected painful

death if they surrendered. One warrior, overpowered and captured, remarked to the surgeon dressing his wounds, "Cure him; kill him again."

Eight hundred Indians were killed. Among the American dead was Major Lemuel Purnell Montgomery, after whom Montgomery county is named. Sam Houston, afterward the hero of Texas, was among the wounded.

JACKSON
12. Treaty of Peace Signed.—Jackson now built Fort Jackson on the site of Fort Toulouse. Turning his command over to General Thomas Pinckney, he and his troopers returned to their Tennessee homes. Soon afterwards Jackson was made a major-general, and returned to the command of Fort Jackson. Here he received the surrender of Weatherford and other chiefs. Here also was signed the Treaty of Peace by which the Indians were compelled to cede lands that "opened up half the present area of the State to the whites." This cession was demanded as payment and punishment for the expenses and losses of the war. It completely separated the Creek territory from Florida.

Aug. 9,
1814

13. Jackson in Florida.—Some of the Indians refused to sign the treaty and fled to Florida. British and Spanish agents in Pensacola continued to tamper with them. Jackson marched into Florida, captured Pensacola, and forced the British agents to leave.

As border raids and cruelties continued, Jackson, four years later, was ordered to Fort Scott on the Appalachicola river to "put an end to the Seminole War." He acted with usual quickness and decision. He marched into Florida, then Spanish territory,

1818

paid no attention to the protests of the Spanish governor, garrisoned Spanish forts with American soldiers, and in true Jacksonian style ended the war. He scoured the country wherever the Seminoles were to be found, and gave them to understand that neither the British nor the Spaniards could shield them from his vengeance. He captured two Englishmen, Ar' bŭth not and Am' brister, charged with exciting the Indians to war against the United States. He had Arbutnot hanged and Ambrister shot, and that, too, in a Spanish province.

Several hundred hostile Indians, supported in Pensacola by the Spanish governor, marched out in open day and killed Mr. Stokes and family, who were American citizens. This caused Jackson's advance upon Pensacola and Fort Barrancas. Both places yielded promptly, and in his report to his friend, George W. Campbell, Jackson regretted that he had not stormed the works and hung the governor for the murder of Stokes and his family.

14. Jackson's Military Conduct Approved.—These high-handed acts of Jackson gave the national government a great deal of trouble, but they created dread of American arms, which Indians and others have ever since regarded. A majority of the people approved of his conduct as an army officer, and later they elected him President of the United States.

Jackson was a true patriot, but he would submit to no opposition when he was carrying on war. He did what he thought right and needful for the success of military plans, regardless of law and consequences. He did so many things contrary to law

that one historian asks whether he could have done more "if he had been Andrew I, by the grace of God Emperor of the United States?"

SUMMARY

The massacre of Fort Mims was reported to Governor Blount of Tennessee, and Generals Jackson and Coffee collected troops and marched rapidly to the territory of the Creek War. The low stage of the Tennessee river cut off the means of transporting supplies for the soldiers, and much suffering resulted. Jackson blamed General Cocke and General White for the lack of provisions for his men. Coffee defeated the Indians at Tallasehatche, and here was found the child, Lincoyer, whom Jackson adopted. At Talladega, Enitachopco, Emuckfau, and Horseshoe Bend, Jackson had desperate battles with the Indians. General Floyd, with Georgia troops, fought the battles of Autosse and Calebree. General Claiborne had overpowered Weatherford at Holy Ground. These battles broke the power of the Creeks, and they surrendered at Fort Jackson.

Jackson, in 1818, entered Florida, quartered American troops in Spanish forts, and conquered the Seminoles. He made the nations respect American rights and fighting qualities.

QUESTIONS

1. Describe the action of General Jackson and General Coffee when they received the report of the massacre at Fort Mims.
2. What duties were assigned to General Cocke and General White?
3. Describe the battle of Tallasehatche.
4. How was Talladega relieved?
5. Give an account of the mutinies of soldiers.
6. What mistake led to an attack on the Hillabees?
7. Give the results of General Floyd's battles with the Indians.
8. What battles occurred when Jackson entered the Creek country?
9. Describe the fortifications and battle of Horseshoe Bend.
10. When, and where, and by whom was the Treaty of Peace signed?
11. What were its terms?
12. What did Jackson do in Florida?
13. What do you understand by "Jacksonian style"?
14. How was his conduct regarded by the people?



George Strother Gaines

CHAPTER VII

GEORGE STROTHER GAINES

(1784-1873)

1. Parentage and Early Life.—Captain James Gaines, the father of George Strother Gaines, was a colonial officer in the Revolutionary War and a member of the North Carolina convention that ratified the constitution of the United States. His home rested on the dividing line between Virginia and North Carolina, and was said to be half in one State and half in the other. His large family of children were about equally divided between the two States, being Virginians or North Carolinians, as they were

born in one side or the other of the house. George Strother was born in the North Carolina side. The Gaineses were related to some of the most distinguished families* of this country. 1784

Captain Gaines removed to Gál'la tin, Tennessee, and there George Strother grew to manhood and entered into business as clerk in the store of John and Robert Allen. 1794

2. United States Agent at St. Stephens.—In 1804, George Strother accepted an invitation from Joseph Chambers to take charge of the United States trading-house at St. Stephens, on the Tombigbee river in Alabama. In his passage down the Cumberland, Ohio, and Mississippi rivers he saw much of the country and became acquainted with many influential men of Mississippi Territory. 1804

At Natchez he met the learned and cultivated Silas Dinsmore, the United States agent to the Choctaws. Colonel Dinsmore was preparing to meet the Indians at St. Stephens in order to make a treaty for the purchase of the lands between the widely separated Tombigbee and Natchez settlements, and thereby make it easier for these settlements to protect themselves and their business interests. A long delay at New Orleans enabled Colonel Dinsmore to

*Mr. Gaines's family was kin to the Prestons, Pendletons, and Strothers. His mother, Elizabeth Strother, was first cousin to Sarah Strother, the wife of Richard Taylor and mother of President Zachary Taylor. The two children of President Taylor were General Richard Taylor, of Confederate fame, and Sarah Knox, the first wife of President Jefferson Davis.

purchase many presents for the chiefs with whom he had to deal in making the treaty.

1805

When St. Stephens was reached the Indians were there, according to agreement. They said, however, that they did not have authority to sell the lands desired by the United States.

3. Indian Chiefs Entertained.—At St. Stephens the big table in the house of the United States agent to the Indians was weighted down with good things to eat and drink. The American officers and the Indian Chiefs, with their captains, sat around the table every day for dinner. This was one of the ways by which the commissioners and agents cultivated the friendship of the Indians. All guests on those occasions did their best to create good will. There were present at the meeting three great Choctaw chiefs—Min' go Hō mō stub' bee of the northwestern tribes, Mingo Puck shen nūb' bee of the western, and Pushmataha of the southeastern.

The Indians are a sober-looking people, but they love fun. The sparkle of wines, the cheer of feasts, and the wit and wisdom of good company delighted them, and they always did their best to make it pleasant for everybody. A young lieutenant of the United States army annoyed the old chief Mingo Homostubbee by numerous questions. His last question was:

“Who is considered the greatest warrior among you?”

According to Mr. George S. Gaines, who was present, the old chief answered:

“I was considered the greatest warrior, but found

it was not the case when returning from a visit we paid President Washington in Philadelphia."

"How did you make the discovery?" inquired the lieutenant.

"The President sent us in a ship to New Orleans," said the chief, "and when we were at sea, entirely out of sight of land, a storm came upon us. The waves were so high they seemed almost to kiss the clouds, and the ship rolled about among them until I thought that we would never again see the beautiful hills and valleys, forests and streams of our beloved country, and our bones would lie scattered on the bottom of the strange waters instead of resting peacefully with our departed relations. All this alarmed me. I found that I had not the firmness in danger and the utter fearlessness of death of a great warrior, and concluded to go down into the cabin to see how my friend Puckshennubbee was affected by this new and strange danger to our party. And what do you think he was doing?"

The description of the storm attracted the attention of every one at the table. The lieutenant eagerly asked,

"What was he doing?"

"Why," said the old chief, with a very grave face, but a humorous twinkle of the eyes, "Why, he was making love to an old squaw we took along to cook for us, and he seemed to be as unconcerned about the danger as if he were at home in his own cabin, sitting by the fire and listening to the songs of the wind among the trees."

The roars of laughter that followed this conversa-

tion drowned Mingo Puckshennubbee's angry denial of it. Mr. Gaines said that Mingo Puckshennubbee was as remarkable for his modesty and simplicity as Mingo Homostubbee was for his wit and jollity.

4. Treaty of Mount Dexter.—When the American commissioners and the Indian chiefs separated after the meeting at St. Stephens, it was agreed that they should meet again the following year at Mount Dexter. This plan was carried out, and a treaty was made whereby the Indians sold a narrow strip of land between the "settlements"—a strip much narrower than was expected by the United States commissioners.

When Colonel Dinsmore tried to run the northern boundary-line of the Mount Dexter cession, he was checked by the captain of the Tus ka ho'ma Indian village, nor could he advance until Mr. Gaines and his brother, Captain Edmund Pendleton Gaines, visited the captain and got his consent.

5. Mr. Gaines's Faithful Work at St. Stephens.—The country developed so rapidly that one man could not attend to the land sales and the other business, and the duties of Mr. Chambers were assigned to three men. Mr. Gaines succeeded to the trading-house, with Thomas Malone as assistant; Thomas W. Maury, of Virginia, was appointed register of the land office, and Lemuel Henry was made receiver of public moneys.

Mr. Gaines was proud of his position and used every means to become helpful in civilizing the Indians. He kept out of politics, not because he felt

indifferent, but because he thought his mission as a business man to be above other interests.

Hunters poured into St. Stephens, and the business of the trading-house increased. The Creeks from the Black Warrior river and from beyond the Alabama river, the Choctaws, and even the Chickasaws came there to trade. Mr. Gaines was careful to deal fairly with them all. If an article was damaged, he would point out the defect and reduce the price. The Indians respected him highly, trusted him fully, and learned from him lessons of business honesty.

6. Major Pitchlyn's Assistance.—Major John Pitch'lyn, when a boy, lost his English father in the Indian country. Reaching manhood, he married into an influential Indian family among the Choctaws of the northeastern district, and dwelt near the mouth of the Ok tib' be ha river. He was an intelligent, firm, and handsome man. Mr. Gaines met him, liked him, consulted him, and secured his help in many ways. Pitchlyn was appointed United States interpreter to the Indians; his influence among them was very strong and the United States government often used his services when making treaties or in paying annual dues.

To avoid the high Spanish duties on goods passing by New Orleans and Mobile, the United States shipped merchandise by way of Pittsburg down the Ohio river and up the Tennessee to Colbert's Ferry. Mr. Gaines contracted with the Chickasaws to protect and to carry the goods on pack horses to Cotton Gin Port on the Tombigbee, whence Major Pitchlyn

shipped them on to St. Stephens. Everything arrived in due time, without the loss or damage of an article. This was proof of the honor and good faith of the Choctaws and Chickasaws, through whose territories the goods had been carried. These tribes were milder and more civil than the Creeks, but none the less warlike when aroused to battle.

1812 **7. Marriage.**—About 1812, Mr. Gaines married Ann, the daughter of Young Gaines, of St. Stephens. His brother, General Edmund Pendleton Gaines, was married three times: first to Frances, the daughter of Judge Harry Toulmin; second to Barbara, the daughter of Governor William Blount, of Tennessee; and last to Mrs. Myra Clark Whitney, whose long lawsuits for property in New Orleans are so celebrated in history.

8. An Indian Chief Outwitted.—British agents told the Indians that England and the United States were about to go to war, and that the British would swoop down on the country and capture it. The Creeks sided with the British. A cunning chief, O' ce O' che Mōt' la, from the falls of the Black Warrior, had been credited every year by Mr. Gaines to the amount of a hundred dollars. He had heard that the British were coming, and he tried to get credit for a thousand dollars, believing that no one would be at the trading-house to receive payment when it fell due. He offered his good friend, Tandy Walker, as security. Mr. Gaines mentioned the troubles with the British and refused the credit. The chief insisted. Mr. Gaines proposed to sleep over the matter, and let each tell his dream in the morning.

Tandy Walker went off with the chief. Pretending to have left his knife, he returned to the store and made an engagement to meet Mr. Gaines secretly at midnight at "the Rock," overhanging the river's bluff. There he told Mr. Gaines how the chief intended to cheat him and how the Creeks were preparing for war.

The next morning Mr. Gaines told his dream to be that the United States and England would fight, that the English would be whipped, and that the northern tribes siding with the English would suffer; and that he must not give the large credit. He gave the chief the usual hundred-dollar credit and never saw him afterward.

9. Tandy Walker.—Tandy Walker was a hero. Hearing that a white woman had been captured in Tennessee and taken to the Black Warrior village, he went on foot to visit his friend, Oce Oche Motla. He secretly obtained a canoe, slipped off with the woman at night, and carried her down to St. Stephens. She was Mrs. Crawley. She was sick, and almost crazed from suffering and anxiety. Mrs. Gaines nursed her back to health, and then Mr. Gaines, Colonel Haynes, and Thomas Malone bought a horse, bridle, and saddle, and sent her with a party of gentlemen back to her home at the mouth of the Tennessee.

10. Mr. Gaines and General Jackson.—After the battles of Burnt Corn, Fort Mims, and other places, people left crops and stock to the chances of the hour and poured into the forts. Mr. Gaines sent Mr. Edmonson to bear the story of battles and massacres to

1813

Sept.,
1813

Governor Blount and General Jackson in Nashville. The Creek War passed. General Jackson at Fort Claiborne ordered from Mr. Gaines blankets and clothing for his Indian warriors. Mr. Gaines complied, but requested a draft on the War Department for settlement. Jackson felt annoyed, but gave the draft. Shortly afterward he wrote Mr. Gaines to learn the author of an unsigned letter which he had received. The letter charged Judge Harry Toulmin as being a spy and secret ally of the British. Mr. Gaines went to Mobile to meet the General and to explain the character of his friend. Jackson greeted him pleasantly and told him that no suspicion rested on his friend, closing with, "I only wanted to know the scoundrel that dared practice such an imposition on me."

1816

11. Removal to Gainesville and Demopolis.—The trading-house was removed to Gainesville, Sumter county. This town was named for Mr. Gaines. Here he remained three years. He then became a merchant in Demopolis, and served Marengo and Clarke counties in the State senate from 1825 to 1827.

1825
to
1827

12. Friendship for the Indians.—By various treaties the Indians bound themselves to leave the hunting grounds of their fathers and to go to the Indian territory set apart west of the Mississippi river. Mr. Gaines consented to help select the lands to which the Choctaws were to move. He also, as commissioner of the United States, accompanied the Choctaws when they began to move; but he was so mortified because the United States failed to carry out its contract to furnish wagons for the women and

children and the infirm that he resigned his office. The Choctaws desired to make him their chief, but he declined.

13. Later Years and Death.—He lived many years in Mobile,* always in active business, and for a while was president of the Mobile branch of the State Bank.

He was one of the first to advocate the Mobile and Ohio Railroad. For years he taught, wrote, urged, travelled, and worked to arouse interest in this first railroad that linked Mobile to a far-stretching region of varied products and numerous interests.

In 1856, he removed to State Line, Mississippi, where he died in January, 1873.

1873

*The *Mobile Register* of June 19, 1872, said of him: "George S. Gaines, the just, pure man, the friend and counsellor of the red man, the wise and faithful pioneer of civilization in the Mississippi Territory—the patriarch of two States. . . . His life has been one constant and unbroken series of kind deeds, wise counsels, and enlarged thought for the good of his people. With remarkable and admirable business qualifications, he brought to his intercourse with the haughty and suspicious savages a consideration for their rights, a deference for their habits and feeling, an unvarying politeness that won their entire confidence, their perfect trust, until his simple word became their law, and his sympathy and kindness their abiding reliance. The part Mr. Gaines acted in the early history of Mississippi Territory, and subsequently upon its division into the States of Alabama and Mississippi, was one of untiring interest and of great advantage to the young communities in which he was equally at home. His position as Indian agent brought him in contact with the leading men of both States. His influence was either directly or indirectly felt in every measure of public importance for a long term of years."

SUMMARY

The United States had to do much business with the Indians, and it was necessary to have agents who combined fine business qualities with tact of manner and speech. George S. Gaines was among the successful agents to the Indians. His fairness and sincerity made him most useful in dealing with them. He cultivated their good graces by having the chiefs and their friends at great feasts, and by carefully advising the Indians of all defects in goods sold to them. By his knowledge of Indian character he secured treaties of lands and roadways. The Choctaws requested him to become their chief.

QUESTIONS

1. Give an account of Mr. George Strother Gaines's parentage and early life.
2. Relate the incidents of his trip to St. Stephens.
3. How were the Indian chiefs entertained, and why?
4. Narrate Mingo Homostubbee's story about the "greatest warrior."
5. What treaty was made with the Indians, and what were the terms of this treaty?
6. Describe Mr. Gaines's work at St. Stephens.
7. What assistance was given him by Major Pitchlyn?
8. When and to whom was Mr. Gaines married? To whom was his brother married?
9. How did Mr. Gaines outwit the Indian chief?
10. How and by whom was Mrs. Crawley rescued from the Indians?
11. At what places did Mr. Gaines live after leaving St. Stephens?
12. In what ways did he show his friendship for the Indians?
13. What matters occupied his attention during his later years?

CHAPTER VIII

THE FRENCH COLONY IN MARENGO COUNTY

1. The French Vine and Olive Company.—A year after the defeat of Napoleon at Waterloo the United States Congress set aside for the French Vine and Olive Company one hundred and forty-four square miles of land in the Mississippi Territory. The price was fixed at two dollars an acre, and was to be paid within fourteen years.

Mar. 3,
1817

The French Vine and Olive Company was composed of the families of French military officers and civilians who were exiles from France and friends of the defeated Napoleon. Among them were brave men who had won honors on the proudest battle-fields of Europe, and beautiful women who had graced the most cultured society of France. Their settlement within the wilds of the Tombigbee river forest has rarely been equaled in romantic history.

2. Search for Place to Settle.—Agents of the company, hunting a place suitable for a settlement, visited the regions along the Arkansas river. Here they were joyously greeted by the Indians, who recalled the friendship of the olden time, styled the French their "Great Fathers," and declared them "as good as Indians."

They found the soil to be fertile and suited to a variety of crops. A kind of olive grew here, and this made the agents believe that olives imported from

Europe would also thrive. "The Arkansas river is as beautiful as the Seine (sān), and only wants a Rouen (rōō ān') or Paris," wrote one of the agents on his tour of inspection. This agent passed on to the Red river country and found it "the Nile of America," and "the vast and natural nursery of Bacchus* (bāk'kus)." He was so charmed that he explained how flour, bacon, and whiskey could be transported across the Raft, that wonderful natural barrier to the navigation of the Red river.

The Mississippi and its branches offered navigable waters through fertile regions, but the climate was bad. The colonists did not desire to settle where the servant who called the doctor for his sick master would feel obliged at the same time to summons the priest to hear his dying confession.

The Tombigbee regions offered the three things necessary for a settlement—a fertile soil, a healthy climate, and a navigable waterway. It was decided to recommend this section of the country as the most suitable for a settlement.

While the agents of the company were in the West Nicholas S. Parmentier (par men tē a') was in Washington where he secured from Congress the grant of special privileges for lands for the colonists.

May,
1817

3. Arrival and Reception at Mobile.—In 1817, the schooner *McDonough*, bearing the distinguished immigrants, heaved into sight of Mobile Bay. Gliding gently under a pleasant breeze, it approached the land of promise, when suddenly it entered shal-

*Bacchus was the god of wine.

low water and grounded. Its captain, John McLoud, quieted the passengers until Lieutenant Beall, the commandant at Fort Bowyer, and Captain Bourke, of the United States army, and four brave men of the garrison, put off with a life-boat into the surging sea and rescued them.

How they were entertained may be judged by the following extract from a letter of one of the company: "Not content with rescuing us from the danger of wreck, they conducted us into the fort, and with an affection the most unaffected, taught us to forget the dangers we had escaped, and to bless the circumstances which enabled us to enjoy their generosity, hospitality, and kindness."

The schooner, lightened of its load, floated into deep water. Later it sailed with company and cargo up to the city of Mobile. There, also, the company received the most cordial welcome and kindly attentions. Mr. Gibson, Mr. John Toulmin, brother of Judge Harry Toulmin, and Mr. Addin Lewis, collector of the port, showed them special favors. They introduced them to the first business houses of Mobile, and acquainted them with the conditions of the country. Mr. Lewis kindly lent them the government revenue-cutter, in which they began the ascent of the Tombigbee river under the United States flag.

4. Passage up the River.—The immigrants made brief stops at the forts along the river, enjoying the hospitality of Judge Harry Toulmin and his son-in-law, General E. P. Gaines. From these gentlemen they learned that the Tombigbee river was preferable to the Alabama for their settlement because its

higher banks were a protection against overflows, and its deeper channel was better suited to boats. For these reasons, the colony decided to settle somewhere on the Tombigbee river.

Mr. Young Gaines, the father-in-law of Mr. George S. Gaines, gave to the colonists the use of his plantation free of rent while the commissioners were exploring the country to determine a place of settlement. Colonels Dale, Fisher, Dinsmore, and Wharton, and Mr. Malone explained the character of the country. They described the soil, the climate, the trees and the birds. The colonists were told that a squatter agent was about to arrange for the establishment of a company on lands which were probably those that had been chosen by the French commissioners.

5. Arrival at White Bluff.—Mr. George S. Gaines, then living at Gainesville, advised the French to settle at White Bluff, which was afterwards named Demopolis by Count Re al', of Philadelphia. They acted upon the advice of Mr. Gaines. Their landing at White Bluff was an occasion of much joy. The prospect pleased, though the uncleared wilderness would require years of axe, spade, and plow, of saw, chisel, and hammer before it would be a settlement of comfortable homes.

Colonel Parmentier wrote to a friend in Philadelphia at the time, "White Bluff is one of the finest situations I ever saw in my life, and lands lying around it are of the very finest quality. Nature here offers us everything. If we profit by these advantages, we must be happy."

July,
1818

The colonists were happy in a measure, but they did not prosper. Reared among the luxuries and conveniences of France, the immigrants were unsuited for pioneer life.

5. Land Titles Defective.—The United States government made several mistakes about the lands. It delayed a long time before the lands were parcelled out. After the colonists had built their cabin homes and cleared their patches, it was discovered that they were on the wrong lands. When the meridian line was run, it was found that the town of Demopolis was outside the limits of the territory granted to the French.

The French Association at Philadelphia, dealing directly with the treasurer of the United States, did not know how to describe the lands so as to let every one keep the improvements which he had made. Count Desnouettes (dā nōō et') went to Philadelphia to clear away these troubles, but he failed to do so. As a consequence many had to leave their cabins and patches, and go deeper in the forest, and build and clear again.

6. Difficulties and Failure.—It is a sad history that for devotion to Napoleon these people were banished from France, torn from all the pleasures of society, and exposed to the rough forest life of American pioneers. Nature promised them the reward of future comforts, but life presented many changes. Fine ladies who had moved in the best circles of society and who had enjoyed all the good things that money could buy, were forced to milk

cows, scrub floors, cook meals, and wash clothes. Gentlemen who had fought by the side of Napoleon were compelled to do the work of common laborers in order to make a living for their families. Despite the difficulties and hardships, the French kept up their cheerful spirits. No matter how hard the day's work might be, at evening-time they met, chatted, and danced to the sweet strains of music.

The cold winter killed the young grapevines and olive-plants. Often the shipments from France were delayed in passage, and the plants died before reaching the colony. Try as they would, the French at last learned that it was impossible to cultivate successfully the vine and the olive on the lands which had been granted them. They were annoyed all the time by land thieves and squatters. Newspapers began to advertise forced sales of lands, and the disheartened colonists made the best bargains they could. Some saved a little from the sales, but most of them lost their all. Ma ren'go, Ar co'la, and Linden will ever preserve the memory of this most worthy and distinguished, but most unfortunate colony.*

7. Recall of the Exiles.—The Bourbons of France, who had driven the colonists into exile, finally got

*Among the distinguished names of these French immigrants are Victor, the son of Marshal Grouchy (grō'she'), Count Charles Lefebre (leh fāvr'), Count Desnoettes, Colonel Nicholas Raoul (rowl), J. J. Cluis (clue'), Count Bertrand Clausel (klo sel'), General Henry L'Allemand (lal män') and his brother Charles, Simon Chaudron (sho dron'), Nicholas S. Parmentier, and others. Three hundred and forty-seven are registered as having lands assigned to them.

over their anger and invited the leaders back to their native homes. Some returned to France and held high office. A few of the colonists remained about Demopolis, but most of them sold their lands and returned to France or scattered in the cities and sections of the great Southwest.

SUMMARY

After the defeat of Napoleon Bonaparte at Waterloo, many of his officers and friends with their families were exiled from France. The United States granted these exiles 144 square miles of land in Mississippi Territory. After a long voyage they settled at White Bluff, which was afterward named Demopolis. There were numerous blunders in parcelling out lands, and many of the colonists were forced to give up the improvements that had been made. In spite of the many hardships and difficulties, the French spirit of gaiety remained to give cheer after each day's work had been done. The colony, however, did not prosper, and finally ended in failure. Some of the exiles went back to France, and others removed to Mobile and other places.

QUESTIONS

1. For what purpose was the French Vine and Olive Company formed?
2. What kind of people were the French colonists?
3. Give an account of the search of the agents for a place to settle.
4. Describe the arrival and reception of the French at Mobile.
5. Why did the colonists select White Bluff as the place of settlement?
6. Describe their arrival at White Bluff.
7. On what terms were lands granted to them by the United States?
8. What troubles did they have about these lands?
9. What caused the failure of the colony?
10. Name some of the distinguished men among the colonists.
11. What became of the exiles?
12. What names in Alabama preserve the memory of the French colony?

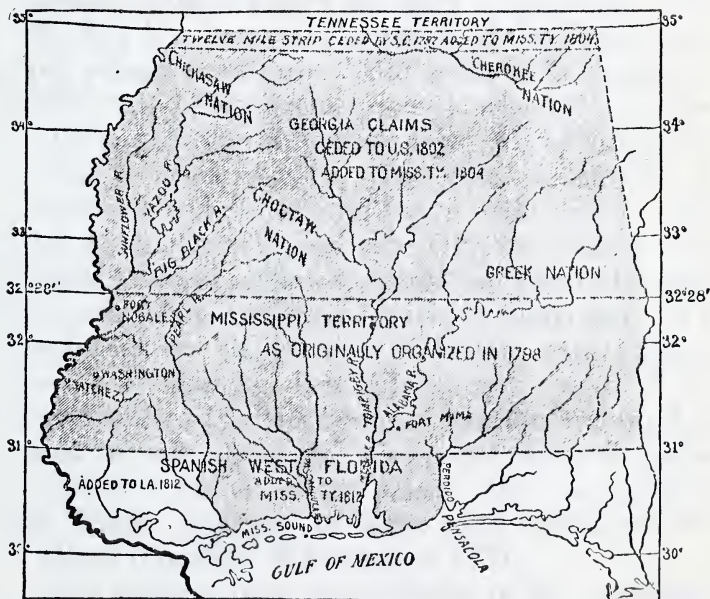
CHAPTER IX

ALABAMA IN POLITICS

(1763-1819)

1763

1. Under English and Spanish Rule.—The Treaty of Paris in 1763 gave to England all of Spanish Florida and all French territory east of the Missis-



Mississippi Territory and Adjacent Claims

sippi river, except the Island of Orleans, on which is the city of New Orleans.

The king of England divided Florida into two

provinces, East Florida and West Florida, which were separated by the Appalachicola river. He fixed the northern boundary of West Florida on the line of 31° north latitude, but finding that Natchez and other settlements were north of this parallel, he made $32^{\circ} 28'$ the northern boundary-line. West Florida then extended to the Mississippi river and embraced a large portion of southern Alabama, while the province of Illinois embraced the larger section of the northern territory of the State. The dividing line began at the mouth of the Yazoo river, and passed eastward a little south of Demopolis, a little north of Montgomery, and south of Wetumpka.

Oct. 7
1763

Feb.,
1764

During the Revolutionary War, West Florida was loyal to Great Britain. The Spanish subjects in Louisiana had for several years sided neither with the American colonists nor with the British; but Oliver Pollock, of New Orleans, had regularly aided the Americans and their friends in Louisiana. It is said that on his journey to Mobile with Captain James Willing he distributed many copies of the Declaration of Independence. Captain Willing had tried in vain along the Mississippi river to arouse interest in the American cause. He was captured at Tensaw and put in irons until exchanged for Colonel Hamilton, of Detroit, in 1779.

1765
to
1783

The supplies from New Orleans to the Americans show that although the Spaniards who held the city pretended to be neutral, yet they wished a check on the British conquerors in the southern colonies. France openly made known her interest in the cause of American independence. England declared war

against her. Spain offered to be a peacemaker. England rejected the offers, and declared war against Spain. The king of Spain, angry because his offer had not been accepted, recognized American independence; he ordered Galvez, the young and gallant colonel in command at New Orleans, to drive the English from Louisiana and Florida. By right of his conquest, Spain occupied West Florida.

1781

Sept. 3,
1783

2. Overlapping Claims.—In 1783, at the Treaty of Paris, England acknowledged the independence of the American colonies, and agreed that their southern boundary should be the line of 31° north latitude. England transferred West Florida to Spain without defining its limits. Spain then claimed the country to $32^{\circ} 28'$, as that was the northern boundary of West Florida under British control. This overlapping of claims caused trouble between Spain and the United States for many years. Finally, by the Treaty of Madrid, the United States secured an agreement that the boundary should be the line of 31° north latitude from the Mississippi river eastward to the Chattahoochee. In this same treaty Spain agreed to open the Mississippi river to American trade and to allow the Americans to store merchandise in warehouses at its mouth.

1795

Apr. 11,
1798

Andrew Ellicott, a civil engineer, began making a survey along the parallel of 31° on April 11, 1798. He started near the Mississippi. The next year he finished the survey to St. Stephens, and in 1800 completed it to the Chattahoochee. The Spaniards were much astonished when Ellicott's line showed St. Stephens to be in the United States. Spanish gen-

tlemen living in the town were very angry, and rather than live under American government moved down to Mobile so as to be within Spanish territory.

Georgia claimed the country that afterwards formed the Mississippi Territory, except a twelve-mile strip along the northern portion, which belonged to South Carolina. In 1785, it established Houstoun county out of its portion of present Alabama lying north of the Tennessee river. The Georgia legislature made laws for the rascally sale of large tracts of land in the territory which afterward formed a part of Alabama. These sales, known as the "Yazoo Sale," did scarcely anything more than advertise the excellent soil and climate. When it became known that they had been dishonestly made, there was great excitement. The next legislature repealed the law.



Winthrop Sargent

3. Mississippi Territory Formed.—That portion of our country lying between latitude 31° and $32^{\circ} 28'$ north, and stretching from the Mississippi river to the Chattahoochee, was formed into the Mississippi Territory by act of Congress, approved April 7, 1798.

4. Governor Sargent.—President John Adams appointed Winthrop Sargent, of Massachusetts, the first governor of the Mississippi Territory.

Apr. 7,
1798

1798
to
1801

Apr. 2,
1799

By proclamation, Governor Sargent divided the district of Natchez into two counties, Adams and Pickering. He established Washington county, which included in its bounds all the region between 31° and $32^{\circ} 28'$ north latitude lying between the Pearl and the Chattahoochee rivers. From its original territory have been formed thirty counties in Alabama and sixteen in Mississippi.

June 4,
1800



Wm. C. C. Claiborne

One of the nine representatives that met at Natchez in the general assembly, on the first Monday in December, 1800, was from the new county of Washington. This assembly was the first body of representative white men that ever met to make laws for Mississippi Territory.

Governor Sargent's harsh measures made the people dissatisfied. President Jefferson, in 1801, appointed in his stead William C. C. Claiborne, a native Virginian, who was living in Tennessee.

5. Governor Claiborne.—Mr. Claiborne's courteous manners, his strong character, and his wide experience made him a useful and popular governor. During his term of office, the legislature adopted for the use of the Territory the first regular code of laws; by the treaty of Fort Confederation the Choc-taws ceded a narrow strip of land between the Tom-

1801
to
1805

bigbee and Mobile rivers on the east, and the Chick'-a-sa-hay river on the west; the United States, in 1802, paid to Georgia \$1,250,000 for all her claims to lands within the Mississippi Territory, thereby setting at rest the long quarrel between the Federal government and plucky little Georgia; 35° north latitude was made the northern boundary of the Territory. With General James Wilkinson as joint-commissioner, Governor Claiborne received, on behalf of the United States, the formal transfer of Louisiana from France. The purchase of this immense Louisiana territory had been concluded with Napoleon on April 30 of this year.

Dec. 20,
1803

6. General Wilkinson.—General Wilkinson was a prominent man in the early history of the Southwest. Assisted by Benjamin Hawkins and Andrew Pickens, of South Carolina, he made treaties with the Chickasaws, Choctaws, and Creeks. He built Fort Adams and captured Mobile from the Spaniards. He was suspected of using his office under the United States in order to help his own business; he was accused of trying to separate Kentucky from the United States with the purpose of joining it to Spanish territory; he was thought to be connected with Burr's suspected plans* against both Spain and the United States. He was cleared of these charges before a court-martial, although evidence

*Aaron Burr, who had been Vice-President of the United States from 1801 to 1805, was suspected of forming a conspiracy to establish an independent government in the Southwest with himself as ruler. He was arrested in Alabama, tried in Virginia, and acquitted by the Federal courts.

of his guilt was furnished by Daniel Clark, his business agent at New Orleans. Wilkinson managed to hold high office and to stand high in public favor until his death. The historian Gayarré (gī ā rā') years afterward found proof of his guilt in letters which had passed between him and Spanish officials.

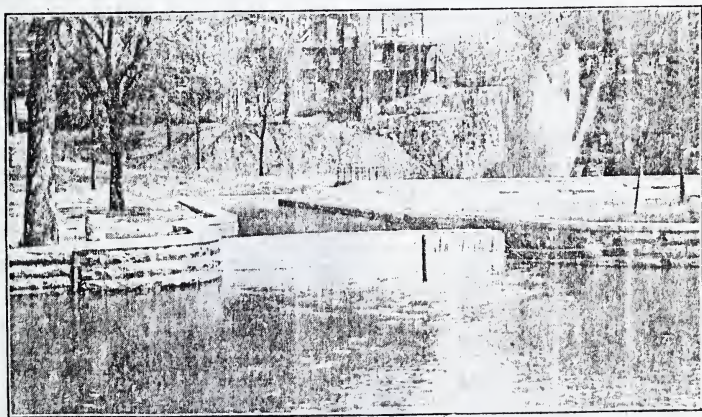
7. Judge Toulmin.—Washington county was set apart as the Tombigbee judicial district, and President Jefferson appointed Harry Toulmin its first United States judge. He entered upon the discharge of his duties in 1804 at Wakefield, near McIntosh's Bluff. He inspired his fellow-countrymen to love justice and the nobler arts of peace.

Mr. Toulmin was an English clergyman, who had been driven from home because he was too free in expressing opinions about politics. He settled in Kentucky, and became president of Transylvania University in Lexington. After four years in that position, he was elected secretary of State of Kentucky. His appointment as judge brought him to Alabama. He represented Baldwin county in the constitutional convention of 1819, and compiled the first digest of the laws of Alabama. He died at Wakefield in December, 1824.

8. Marriages in Early Times.—For many years there were neither officers nor clergymen in the Tombigbee settlements to perform marriage ceremonies. Couples desiring to marry pledged themselves in the presence of friends and considered themselves married; they further agreed to have the marriage ceremony performed by a preacher or by an officer should any ever come along.

9. Governor Williams.—On January 26, 1805, Robert Williams, of North Carolina, succeeded Governor Claiborne in office. In the same year a part of the Tennessee Valley was acquired from the Chickasaws and Cherokees, and from it was formed the county of Madison. By the Mount Dexter Treaty the Indians ceded a narrow strip of land in the south-

1805
to
1809



Huntsville Spring

ern part of the Mississippi Territory between the Natchez and Tombigbee settlements.

In 1809, Governor Williams, having been suspected of aiding Burr in his efforts to escape, was removed from office. He was succeeded by David Holmes, of Virginia.

10. Huntsville Settled.—John Hunt, an adventurous pioneer from Tennessee, built his cabin on a bluff above a bold spring in north Alabama. With his trusty rifle he picked his choice of the deer that

1808

came to drink of the out-flowing stream. Distant friends and others learned of the beautiful region, with fertile soil, mellow climate, and abundant game. Soon other cabins were built nearby. Such was the beginning of Huntsville, first named Twickenham (twick'en am), after the home of the poet Alexander Pope, some of whose relatives were among the settlers. The latter name, however, did not hold, and the beautiful city of Huntsville takes its name from that of its original settler.

1809
to
1817

11. Governor Holmes.—The events of Governor Holmes's term of office embrace troubles between the settlers and the Spaniards; the opening of a military road from the Chattahoochee river to Mims Ferry; the Creek War; the capture of Mobile from the Spanish; the English attack on Fort Bowyer; and important Indian treaties.



David Holmes

Congress, on March 1, 1817, divided Mississippi Territory, and two days afterward organized Alabama Territory. It fixed the seat of government at

March
1817

Fort St. Stephens, and gave the President the power to appoint a governor with authority to call together such members of the legislature of the late Mississippi Territory as lived within the limits of Alabama Territory.

12. Governor William Wyatt Bibb.—William Wyatt Bibb, of Georgia, was appointed governor of Alabama Territory by President Monroe. He was able and experienced. He called the first legislature to meet at St. Stephens. James Titus, of Madison, was the only member of the upper house, as he was the only senator of the Mississippi Territory who lived within the limits of the newly-created Alabama Territory. He attended to all the duties of the upper house with marked ceremony, calling the council to order, and passing upon all messages from the lower house just as a house full of senators would have done. The lower house consisted of ten members, with Gabriel Moore, of Madison, as chairman.

1817
to
1820
Jan. 19,
1818

The Spanish and English in Florida persuaded the Indians in 1818 to reclaim the lands sold to the United States. Outrages were committed, but Jackson's conquests and court-martial in Florida quieted the Indians and stopped Spanish and English subjects from stirring the Indians to further violence.

1818

The next session of the legislature met at St. Stephens. The people of Mississippi were begging Congress to let the Tombigbee and Mobile rivers and Mobile Bay form the eastern boundary of Mississippi Territory. Governor Bibb did not believe Congress ought to do this, and he stated the objections in his message to the legislature. In this message he recommended that laws ought to be favorable to education, to the opening of roads and ferries, and to the building of bridges.

Nov. 2
to
Nov. 21,
1818

13. Capital Site Selected.—C. C. Clay, Sr., Samuel Taylor, Samuel Dale, James Titus, and William L.

Adams were elected a committee to select the place for the capital of the State. They selected Cahawba, but they agreed that Huntsville was to be the capital until suitable buildings could be built at Cahawba.

Dec. 14, 1819 **14. Alabama Admitted Into the Union.**—The “Enabling Act” of Congress was the act that gave permission to the people to prepare a State constitution in order that the Territory might be admitted as a State into the Union. The State convention met in Huntsville and prepared a constitution which Congress accepted. On December 14, 1819, Alabama was admitted into the union of States. The constitution recognized negro slavery, and granted the privilege of voting to white men twenty-one years old and upward.

SUMMARY

The political life of Alabama from 1763 to 1819 embraces all the history of the French, Spanish, English, and American government of the territory now called Alabama. The Treaty of Paris in 1763 marked the downfall of French rule, and the transfer of Louisiana east of the Mississippi, save New Orleans and the Isle of Orleans, to British control. In 1780, Galvez conquered West Florida for Spain. The treaty of 1783 at Paris after the Revolutionary War gave north of 31° north latitude to the United States; but Spain claimed that the northern boundary line of West Florida was 32° 28', as was the line under the British. Fifty years after the downfall of French authority, General James Wilkinson captured Mobile and gave the United States possession to the Gulf.

In 1798, Mississippi Territory was formed. Its first governor was Winthrop Sargent. In 1817, Mississippi Territory was divided, the eastern part being organized as Alabama Territory. In 1819, Alabama was admitted as a State into the Union.

QUESTIONS

1. Under what flags has the territory of what is now Alabama been governed? 2. Describe the changes from French to British, from British to Spanish, and from Spanish to United States control. 3. Give an account of Spanish and American contention about the lines of separation between Spanish and American possession. 4. How did England fix the boundary lines of West Florida, and by what right did Spain claim to $32^{\circ} 28'$? 5. How and when was the dispute about the boundary line settled? 6. When and by whom was the line surveyed? 7. What was the "Yazoo Sale"? 8. What were the boundaries of Mississippi Territory when it was formed? 9. Give a sketch of General Wilkinson; Judge Toulmin. 10. Describe a marriage ceremony in early days. 11. Give an account of the first settlement at Huntsville. 12. Give the history of Mississippi Territory under Governor Sargent; under Governor William C. C. Claiborne; under Governor Robert Williams; under Governor David Holmes; of Alabama Territory under Governor William Wyatt Bibb. 13. Name the temporary capitals of Alabama Territory, and also the place selected as a permanent capital. 14. When was Alabama admitted to the Union?

Period II. First Forty Years of Statehood



William Rufus King

CHAPTER X

WILLIAM RUFUS KING

(1786-1853)

1. Early Life.—The Atlantic States have given to Alabama some of her noblest citizens, but William R. King, the gift of North Carolina, reached a higher position of honor than any other. His native State elected him to the legislature when he was but twenty years of age, and gave him three successive terms.

Apr. 7,
1786

He was born ten years after the Declaration of Independence, and was graduated at eighteen years of age from the University of North Carolina. He

studied law under William Duffy, Esq., was admitted to the bar, and immediately became prominent in public affairs. In 1810, he was elected to represent North Carolina in the Congress of the United States.

2. War With England Advocated by Mr. King.—England and France had long been at war. They would sometimes stop fighting for a few years and then go at it again. England was trying to get the other nations of Europe to combine and crush France. In the war between those two countries the United States would not take sides, and both nations tried to ruin the trade of America. They both took American seamen from American vessels and made them serve on their own ships. Napoleon made the French stop this outrage, but George III, the crazy king of England, insisted upon doing everything possible to show to the world that he would take our sailors when he pleased and insult us as it suited his convenience.

The American people were very angry because of the insults thus heaped upon their country. The kin people and friends of the seamen who had been taken from American vessels kept pleading with the officers of the United States government to do something to free the seamen. Mr. King joined with the patriots in Congress and voted the declaration of war against England. The War of 1812 followed.

During this war the city of Washington was entered by the British, and all buildings except the Patent Office were burned. Peace was declared before the battle of New Orleans was fought; but

1812
to
1815

Jan. 8,
1815

that battle established us in the respect of nations and made the world recognize us as masters of the western continent.

3. Secretary of Foreign Legations.—Upon the return of peace, Mr. King resigned his place in the house of representatives and afterward became secretary of legation to the American embassy at Naples and then at St. Petersburg, under Minister William Pinkney. He served two years in this office and learned a great deal about the people and governments of Europe.

1818

4. Member of Constitutional Convention.—Mr. King returned to America in 1818 and made his home near Cahawba on the Alabama river. The next year he was elected a delegate to the convention which met in Huntsville to prepare the constitution for the admission of Alabama into the Union. Mr. King, Judge Henry Hitchcock, and Judge John M. Taylor were the sub-committee who put into form the original draft of the constitution of Alabama.

5. Elected United States Senator.—After the constitutional convention closed, Mr. King went back to his old home in North Carolina in order to settle up his business there and to bring to Alabama his negroes, stock, and such other property as could be moved. He started back to Alabama, and at Milledgeville, Georgia, he received a letter from Governor Bibb telling him that the legislature had elected him and John W. Walker to the United States senate. He had fine business prospects, and he knew that he would lose unless he gave them his personal attention, but, sending his people and prop-

erty on to Alabama, he turned and went to Washington.

6. First Work in the Senate.—The United States once sold government lands on credit. A great many Alabamians bought lands on this credit plan at a very high price. The debt for these lands amounted to nearly twelve million dollars. It was impossible for the farmers to pay this enormous sum, and unless Congress would give relief a large number of them would be financially ruined. Mr. King and Mr. Walker did their first work in the senate by getting Congress to change the way of selling government lands, and to allow those who had already bought to give up a part of their lands as payment on the other part. By this means the farmers managed to pay their debts and still hold to some of their land.

7. John W. Walker.—John W. Walker,* a native Virginian, was educated under Dr. Moses Waddell and in Princeton University. He entered upon the practice of law in Huntsville and was soon ranked among the best lawyers of the state. His wife was Matilda, the daughter of LeRoy Pope, a kinsman of Alexander Pope, the English poet. Mr. Pope moved from Georgia and settled at Huntsville.

Mr. Walker was a very popular man. Everybody loved to be with him and to hear him talk. He would entertain his friends and his family so delight-

*Mr. Walker's son, LeRoy Pope Walker, was the first secretary of war of the Confederate States; his grandson, Richard W. Walker, has been associate justice of the supreme court of Alabama. Others of his family have held high places of honor in this and other States.

fully by his conversation that hours would pass before they knew it. He was a serious man who liked to talk about the high and holy things of life; yet he enjoyed humor and fun. He tried to make people happy and noble. He was modest and patriotic in spirit, graceful in manner, and strong in character. He loved the law because it dealt with the truths of justice. Such was the man who, though scarcely forty years of age, had declined the office of district judge of the Federal court of Alabama, offered to him by President Monroe during a visit to Huntsville; who had been president of the constitutional convention of 1819; who was one of the two senators first to represent Alabama in Congress, and whose early death, Mr. Pickett says, left "behind him the memory of no fault and the enmity of no human being."

Apr. 23,
1823

8. Mr. King as a Statesman.—Mr. King was not an orator and he did not startle the senate with great speeches, but he was a great statesman. Many troublesome questions came into politics during those days, and Mr. King was so wise and so patriotic that he had much to do with every great matter which the senate had to consider. Of course, he had to come into touch with a great many things in which his people in Alabama were interested, and he sometimes had to act against the wishes of his friends; but they loved him and honored him and voted for him. He remained in the senate from the time of his first election until he resigned his seat in 1844 to accept the office of minister to France.

1819
to
1844

9. Minister to France.—England wanted France

to join in a protest against the annexation of Texas to the United States. The majority of the people of Texas and of the United States wanted Texas to be annexed, but England thought the United States was already big enough and ought not to be allowed to take any more territory. Mr. King was a strong advocate of annexation. He was a Democrat, and President Tyler was a Whig. He did not like to accept office from his political opponent, but President Tyler knew that he was the right man to deal with France, and he finally persuaded Mr. King to accept the mission.

Soon after reaching Paris, Mr. King arranged to meet with King Louis Philippe (fīl lēp'). He did not talk to him in a roundabout way, but at once reminded him of the friendly relations between France and the United States, and explained how it would hurt both countries to go to war, and how the interests of both would be helped if France would not join with England to prevent the annexation of Texas. He plainly informed him that Texas would be annexed no matter what protests might be made, and that war was sure to follow if any of the nations tried to prevent it.

King Louis replied that "he would do nothing hostile to the United States, or which could give to her just cause of offense." It gave Mr. King very great pleasure to report King Louis's reply to Mr. Calhoun, the secretary of State.

10. Defeated by Mr. Lewis.—When Mr. King resigned his seat in the United States senate to become minister to France, Governor Fitzpatrick

1846

appointed Dixon H. Lewis to succeed him in office. Mr. Lewis had been serving eighteen years as a representative in Congress, and was one of the most popular men in the State. Mr. King returned from France in 1846 and wanted to get back his seat in the senate. He preferred to be United States senator from Alabama rather than to hold any other office that could be given to him. Mr. Lewis wanted to keep the seat, and so in the following election they both offered for it. Mr. King was beaten in the race, and this was the only time that defeat ever came to him. Mr. Lewis was an outspoken States rights* man. When the people of South Carolina refused to obey—"nullified"—the tariff laws made by Congress and passed the "Ordinance of Nullification," he took sides with South Carolina, and published a pamphlet, *The Nullifier*, which was a very strong argument for States rights.

Mr. King was a States rights man, and he thought that the general government had no right to exercise any other power than that expressly given by the constitution; but he was very proud of the Union, and he did not wish to offer any reasons to make people believe the Union could ever be dissolved. While he firmly declared the right of the States to govern themselves, he thought it dangerous to bar the general government at all times and under all circumstances from the exercise of power not

*States rights is the doctrine that the State has all powers not expressly delegated to the general government by the constitution of the United States.

implied in a strict construction of the constitution of the United States.

The people of the State agreed with Mr. Lewis, and the general assembly elected him instead of Mr. King.

11. President of the Senate.—Governor Chapman appointed Mr. King to the senate to fill out the term of Senator A. P. Bagby, whom President Polk had named as minister to Russia. In the following election he was chosen to succeed himself.

Mr. King had the honor of serving many terms as president of the senate. He knew how to manage the senators in their hot debates, and they were glad to have him preside because he was always just, polite, and firm. At the close of every session of Congress the senate would adopt a resolution thanking him for the fair and able way in which he had discharged his duties.

12. Vice-President of United States.—In 1852, Mr. King was elected Vice-President of the United States. His health was poor, and soon after his election he went to Cuba in a special vessel furnished by the United States government, hoping to regain his health. He took the oath of office while in Cuba. The United States government honored him by issuing a special order to its consul to allow Mr. King to take the oath before him.

His health grew worse in Cuba and he returned to his Dallas county home to die.* He reached his home

*Mr. King was never married. His nephew and namesake, Captain William R. King, whom he made his heir, was killed in the battle of Sharpsburg.

Apr. 17, on the evening of April 17, 1853, and died the next
1853 day.

13. His Memory Honored.—Mr. King's remains, after resting for years in a vault on his plantation, have been removed to Live Oak Cemetery at Selma, which city was named by him. Alabamians to-day love his memory and feel proud because he served the country so well when the hot discussions of political parties were made to bring good by the wisdom of statesmen, and because there never was about him any suspicion of evil conduct in either his public or private life.

His long service in the senate with the foremost statesmen of America and the high honors given him show that he was a great man. No other man was ever president of the senate as long as he was, and none but a man of great powers could have controlled it in those stormy times.

It may be truly said that he "attained greatness in the midst of greatness."

SUMMARY

William R. King was a North Carolinian by birth. He had served in the legislature and in Congress before he came to Alabama. While in Congress he advocated the War of 1812. He was a member of a committee of three that drafted the constitution of Alabama in 1819. He was elected United States senator and served in that office for nearly thirty years. During a part of this time John W. Walker was the other senator from Alabama. As minister to France Mr. King induced that country not to object to the annexation of Texas. On returning to this country he was defeated for the senate by Dixon H. Lewis. In 1848, he was appointed senator by Governor Chapman, and he was afterward elected senator to succeed himself. After serving several terms as president of the senate, he was elected

Vice-President of the United. He attained greatness among men like Clay, Calhoun, Webster, Randolph, and others of that class.

QUESTIONS

1. Give a sketch of the life of William R King before he settled in Alabama Territory.
2. What was the cause and result of the War of 1812?
3. Of what legations was Mr. King secretary.
4. What work did he do in the constitutional convention?
5. What was his first work in the United States senate?
6. Give a sketch of John W. Walker.
7. Describe Mr. King as a statesman.
8. To what country was he minister, and what did he accomplish?
9. What caused him to be defeated by Mr. Lewis?
10. Name two high offices that were held by Mr. King after his appointment as senator.
11. Tell of his search for health and his death.
12. Why should Alabamians honor him?



Alexander Beaufort Meek

CHAPTER XI

ALEXANDER BEAUFORT MEEK

(1814-1865)

1. Early Life.—Judge A. B. Meek, the poet, orator, jurist, and statesman, is lovingly remembered by the people of Alabama.

July 17,
1814

He was born in Columbia, South Carolina, July 17, 1814. In his early youth his parents moved into Alabama and settled in Tuskaloosa. Here he grew to manhood in a newly-settled country and in a town which was the capital of the State and the site of the State University. The visits and speeches of legislators, and the social and business life and politics of the day made a deep impression on him.

2. Three Distinguished Meeks.—His father, Dr. Samuel M. Meek, took great pains in the education of his children, and was especially proud of them. Three sons were distinguished in literature and public life. One, Colonel Samuel M. Meek, resided for many years in Columbus, Mississippi, and stood among the first lawyers of that State.

Professor Benjamin F. Meek, another son, taught English literature in the University of Alabama for thirty years. His pure, classic English was the delight of every student who had the good fortune to study under him. He was a scholar who knew much about authors and their writings. He read so much and compared so often the works of one author with those of another that he learned how to teach the students whatever was best in books, and how it was best to express thought in language. Everybody respected him highly for his great learning.

Judge Alexander B. Meek was the most distinguished of the three brothers. As a boy he was lovable and bright-minded, and he showed such devotion to books as to snatch every opportunity for study and reading.

3. Graduation.—When the University of Alabama was first opened in 1831, young Meek entered as a student. Two years later he was graduated in the class with Marion Banks, Francis C. D. Bouchelle (bōō shel), John G. Davenport, William Woolsey King, Rev. Robert B. McMullen, and George D. Shortridge. Two years later he began the practice of law.

Apr. 18,
1831

4. Honors.—Honors fell thick upon him. In 1836, he was associate-editor of the *Flag of the Union*, and three years after edited the *Southron*, a monthly magazine of high merit. He spent several months as a volunteer officer in the war against the Florida Indians. Upon his return home Governor C. C. Clay appointed him attorney-general of the State. He was then about twenty-two years old. Six years later he was appointed probate judge of Tuskaloosa county. In 1844, he bore to Washington the electoral vote of Alabama for Polk and Dallas. The following year he was appointed assistant secretary of the treasury of the United States, and subsequently he was made the Federal attorney for the southern portion of Alabama. After this his Alabama residence was in Mobile, where he became editor of the *Mobile Register*.

5. Father of Public School System.—His public service, his speeches upon history and literature, and his writings had already made him well known. In 1853, he was elected to the legislature. He introduced a bill "To establish and maintain a system of free public schools in Alabama." Thus he became the father of the educational system of public schools in the State. Possibly no other bill has ever been introduced into the legislature that has been such a blessing to the common people.

In 1859, he was again in the legislature and was elected speaker of the house.

6. Publication of His Works.—In 1855, he began to publish his writings in book form. *The Red Eagle*, a *Poem of the South*, was the first to be issued.

Approved,
Feb. 15,
1854

This beautiful poem is the love story of William Weatherford (Red Eagle) and Lillah, the daughter of Daniel Beasley, who commanded at Fort Mims. It attracted the immediate attention of the reading public. Then appeared his *Orations, Romantic Passages in Southwestern History, and Songs and Poems of the South*.

7. Marriage and Death.—Judge Meek was twice married, first to Mrs. Slatter of Mobile, and afterwards to Mrs. Cannon of Columbus, Mississippi.

On November 1, 1865, he died suddenly at Columbus. Nov. 1,
1865

8. Meek as an Author.—Judge Meek began to write poetry when he was very young. His heart was tender and he loved beauty. His poetry touches upon many subjects.

The Day of Freedom, which he wrote before he was twenty-four years old, was read at a celebration on July 4, 1838, in Tuscaloosa. In this poem he describes the character of a patriot, the greatness of this country, the feelings of an old soldier who had fought for it, and the glory of the "Stars and Stripes." Into his argument for the union of the States he injects *The Land of the South*, which is a beautiful and patriotic tribute to the section of country in which he was born.

Balaklava is probably the most popular of Meek's poems. It describes the fearful charge which the British made against the Russian fortress at Balaklava in the Crimean War. It is a fit companion-piece of Tennyson's *Light Brigade*.

The prose writings of Judge Meek mark him as a man of great mental powers and of lofty ideals. In these writings he expresses the belief that through literature God would redeem the world and hasten the millenium.

The noble thoughts expressed by him, and the brief and skilful way in which he so thoroughly treated the facts of history, set a high standard for later writers. Scarcely anything worthy has entered into the published history of the Southwest that has not borrowed from his store of facts.

9. An Estimate by Judge Smith.—To know the man whose life has been sketched in this chapter, one must read his writings and also what his personal friends have said of him. Judge William R. Smith, in *Reminiscences*, treats Judge Meek as a man and a poet. He tells of his kindly nature, his jolly boyhood, and his warm-heartedness. He notes the remarkable fact that young Meek, when a Sunday-school pupil, repeated from memory the whole of the English Bible. He describes him as a man of fine personal appearance, though inclined to be overbearing among men, but full of gentleness and grace among women. Although he had his own imaginary world and sometimes lived as though in a dream, he was entirely at home with his friends and acquaintances. "In the parlor he was superb; on the streets he was genial, social, and cheerful; as a friend he was warm and candid; as an acquaintance he was cordial; as a politician he was an unchangeable Jackson Democrat; as an editor his

articles were crispy, clear, and cogent; at the bar he was considered an eloquent advocate; and on the bench, a profound judge."

SUMMARY

A. B. Meek, poet, orator, jurist, journalist, and one of the first students to enter the University, was an associate-editor of the *Flag of the Union*, and editor of the *Southron*, a soldier in the Florida Indian war, attorney-general of the State, probate judge of Tuscaloosa county, elector to Washington for Polk and Dallas, assistant secretary of the treasury of the United States, federal attorney for southern Alabama, and editor of the *Mobile Register*. As a member of the general assembly, he was the author of the bill creating the public school system. He was a Jackson democrat, and a strong believer in the purifying power of literature. Several books, stimulating to what is best in thought and life, were written by Judge Meek.

QUESTIONS

1. Sketch the early life of A. B. Meek.
2. Describe each of the "three distinguished Meeks."
3. Give an account of the graduation of A. B. Meek.
4. What honors fell to him?
5. Of what important bill was he the author?
6. Name the books that were published by him.
7. Tell of his marriage and death.
8. Give a brief outline of *The Red Eagle*; *The Day of Freedom*; *Balaklava*.
9. How did Judge Meek regard the influence of literature?
10. What is Judge Smith's estimate of him?

CHAPTER XII

THE STATE BANK

(1823-1853)

1. Establishment of the Bank.—The rapid influx of population into the new State of Alabama increased the demand for articles manufactured at a distance. All purchases had to be paid for in gold and silver, which was the principal money of that day. To remedy the inconvenience of sending gold and silver from place to place, and to make it possible to use checks, notes, drafts, bonds, paper money, or coin in payment of debts, the general assembly of Alabama established the State Bank. The parent bank was located in Cahawba, but it was moved to Tuscaloosa when that city was made the capital in 1826. Branch banks were afterward established in Montgomery, Mobile, Decatur, and Huntsville.

Dec. 20,
1823

2. Capital of the Bank.—When Alabama became a State, the United States government granted it 46,080 acres of land for a seminary of learning. The legislature turned over these lands to the University of Alabama. Large quantities of them were sold, some of the most fertile tracts bringing as high as sixty dollars an acre. In 1823, the State Bank was established by the legislature. The law provided that “the moneys arising from the sale or rent of the lands given to this State by the Congress of the

1823

United States for the support of a seminary of learning shall form a part of the capital of said bank." It further provided that the amount paid into the capital of the bank from funds derived from the sale of University lands should be limited to \$100,000. The national government also gave a tract of land for the site of the State capital. The legislature provided that any money arising from the sale of this land, and from the sale of salt springs, and from fines and forfeits, should be a part of the capital of the State Bank.

3. The Directors.—The president and twelve directors of the bank were elected annually by the general assembly. A great many men wanted to be elected members on the board of bank directors. It is said that hotel-keepers once held the money-keys of the State. In Tuskaloosa, Major Charles Lewin, a typical hotel-keeper, secured early election as a director of the bank. He was jolly, genial, and clever, and could readily have notes discounted at the bank for his customers, who divided with him the cash obtained. Seeing his popularity and success, the other hotel-keepers in Tuskaloosa exerted themselves until they all became directors. "This man must have camped out last night," remarked President Tyndall on one occasion when a man's note offered for discount was not especially favored by any one of the directors.

4. Effect Upon Business.—In establishing the State Bank, the legislators considered that they were doing what was best for the people, and for a time there seemed to be wonderful improvement in business.

Good crops, cheap labor, and the paper money issued by the bank and its branches made everybody feel easy and confident. With money borrowed from the banks farmers bought slaves and land at high prices, and merchants purchased large stocks of merchandise. From 1836 to 1842 there were no taxes to pay, for the banks supplied the funds necessary for running the government of the State.

5. **Misuse of Funds.**—Since the banks had been established by the legislature, it was but natural that they should be more or less under the control of politicians. A politician, denied a loan at one bank, went to another, and by berating the directors for not lending money when it was most needed, would succeed in getting a loan of thousands of dollars for his personal use. Moseley Baker, lawyer, editor, and member of the legislature from Montgomery, who had been living ahead of his means, borrowed of the bank \$24,000 on his note endorsed by John Moonshine and Adam Sunshine. He was afterwards arrested, but made his escape to Texas, where he became a member of Congress of that republic. Rising in his place one day, he confessed his crime in Alabama, resigned his seat, communicated with Alabama bank officials, and paid the debt. Prominent Whigs and Democrats owed the banks immense sums on their own notes and on notes which they had endorsed for others, and thus the State Bank was drained by the ruling class of both political parties.

The banks every year went from bad to worse. They became corrupt and reckless, even lending

money on cotton in the field that had not been picked. This policy was continued until finally the debt of the banks amounted to more than nine million dollars.

The country suffered because the people began to distrust more and more such careless bank methods. Prices changed so rapidly as to disturb seriously the transaction of business. Thoughtful men, dreading the collapse of the credit of the State and the financial ruin of its people, began to demand that the banks either be reformed or that they be closed altogether.

6. Charges of Mismanagement.—"Reform" became the cry of those who wished to save the State from bankruptcy. Resolutions were introduced in the legislature of 1840 and 1841, charging that members of the legislature and officers of the banks had entered into dishonest bargains. Governor Fitzpatrick appointed a committee of three to examine and report upon the condition of the Montgomery branch of the State Bank. Its careless and slipshod methods of doing business, which were exposed by the committee, were fiercely attacked and denounced by the newspapers of the State. Mass-meetings of citizens started investigations in which it was shown that the lawmakers were engaged in crooked dealings with the banks. It was learned that the banks had loaned more money to its officers and to members of the legislature than had been borrowed by all the rest of the people of the State.

Strong opposition blocked continuously Governor Fitzpatrick's efforts to protect the banks, but

1842 economy was begun in their management and in all offices of the State. Taxes were reestablished. Banks were forbidden to lend money or to increase their debts, and the four branch banks were instructed to refuse all new business and prepare to close up.

May, 1845 **7. A Political Issue.**—The credit of the State and the private fortunes of the people were still in danger when Nathaniel Terry was nominated for governor in 1845 by an incomplete Democratic convention in Tuscaloosa. He was largely indebted to the banks and favored their continuance. Chancellor Joshua Lanier Martin, a lifelong Democrat, declared himself a candidate for governor on the issue of bank reform.

Both candidates were Democrats, and at the election Whigs and Democrats voted as they judged the merits of the issues before the country. Martin was overwhelmingly elected. His majority was more than five thousand votes.

8. The Banks Closed and State Credit Upheld.—Governor Martin, in his message to the general assembly recommended the legal removal of the president and directors of the banks. Francis S. Lyon,* of Demopolis, William Cooper, of Florence,

*Francis Strother Lyon was a North Carolinian by birth, but removed to Alabama in his youth. He was secretary of the senate of Alabama, 1822 to 1830; a State senator, 1832 to 1834; representative in Congress, 1835 to 1839; bank commissioner, 1846 to 1853; a representative in the Confederate Congress, 1861 to 1865. He was a nephew of George S. and General E. P. Gaines, and the father of Mrs. Wm. H. Ross and Mrs. O. H. Prince.

and Benjamin Fitzpatrick, of Autauga, were elected commissioners to wind up the affairs of the banks. Mr. Fitzpatrick declined to serve, and C. C. Clay, of Huntsville, was given his place. The business was soon solely in the hands of Mr. Lyon, with John Whiting his assistant.

Mr. Lyon was an able and pure man. He discharged the duties of his office with such judgment and discretion as to restore to par the money issued by the banks, to uphold the credit of the State, and to save from bankruptcy thousands of citizens whose financial interests depended upon his business ability and sense of justice.

Other States and Europe watched anxiously the course of Mr. Lyon. The manner in which he managed the affairs of the bank and kept up the credit of the State made him highly honored and respected by the business world and placed him among those most worthy to be remembered for services to the State. Governor Fitzpatrick, Judge John A. Campbell, Governor Martin, and others are sharers in the glory of the measures of reform, but to Mr. Lyon are due most directly the gratitude and pride of Alabama for the far-reaching benefits of the six years' work which he devoted to the money affairs of the State.

SUMMARY

To meet the demand for more money to carry on business, the State Bank was established by the general assembly in 1823. A large part of the capital of this bank was obtained from the sale of University lands. The election of the directors by the legislature soon became the basis of a political scramble. For awhile the State Bank and its branches were thought to answer

all expectation, for there was a rapid increase in business, and everyone seemed to be prosperous. From 1836 to 1842 the expenses of running the government of the State were paid by the banks. After a time, however, it was seen that they were being run in a very unbusiness-like manner. "Bank reform" became the cry, and Joshua L. Martin was elected on this platform. The banks were placed in the hands of Francis S. Lyon and others. After several years of careful management, the affairs of the banks were wound up and the credit of the State upheld.

QUESTIONS

1. For what reasons was the State Bank established?
2. At what places were branch banks established?
3. From what sources did the capital of the bank come?
4. How were the the directors chosen, and what class of men held at one time the "money keys of the State"?
5. What effect did the establishment of the banks have upon business and upon the government of the State?
6. In what ways were the funds of the banks misused?
7. What charges of mismanagement were made, and with what results?
8. Describe the contest for governor in 1845.
9. What did Governor Martin recommend?
10. Give an account of the work of Mr. Lyon.

CHAPTER XIII

ALABAMA IN POLITICS

(1820-1859)

1. Governor Thomas Bibb.—Governor William Wyatt Bibb died on July 10, 1820, and his brother, Thomas Bibb, of Limestone, president of the senate, took his office.

1820
to
1821

Settlers rushed into the State. They cut down the forests to make way for farms. They built houses. Preachers, doctors, lawyers, and merchants came. Carpenters and blacksmiths were busy and were well paid. The schoolmaster was around, both the ignorant and the learned type. Steamboat companies were formed; the University was chartered; and newspapers were established.

2. Governor Pickens.—Israel Pickens succeeded Governor Thomas Bibb. He won the office of governor over Dr. Henry Chambers* in the elections of 1821 and 1823.

1821
to
1825

Governor Pickens gave the State a full share in "the era of good feeling." Relief through the United States Congress for the embarrassed landholders, the establishment of the State Bank, and

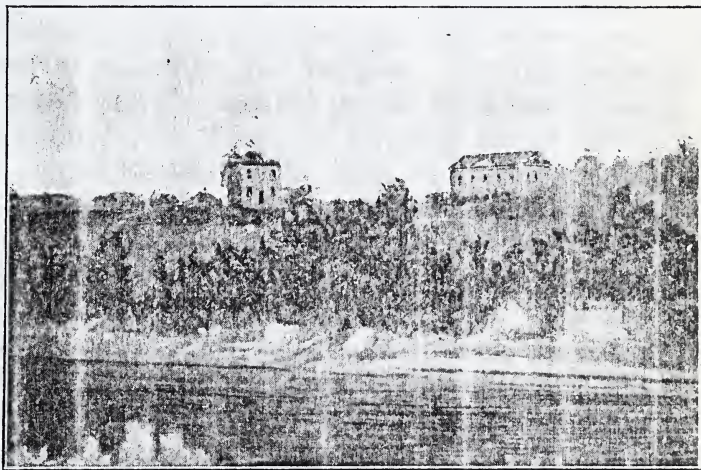
*Dr. Chambers was brilliant and beloved. In 1825, he was elected to the senate of the United States, and died the next year on his way to Washington. A county bears his name. His son, Colonel Hal Chambers, represented Mississippi in the Confederate Congress. His daughter married the son of Governor Thomas Bibb.

provision for presidential electors to be chosen by the people, were brought about during his term of office. In 1825, he entertained in Montgomery General LaFayette, "the nation's guest," whom the people of Alabama greeted with continuous ovations in his passage from the Chattahoochee river to Mobile.

Apr. 3,
1825

1825
to
1829

3. Governor Murphy.—John Murphy, of Monroe,



Old Cahawba

1826 was in office when the capital was removed from Cahawba to Tuscaloosa. Cahawba was situated where it was subject to overflows of both the Alabama and Cahawba rivers, and it was very sickly. Tuscaloosa was selected as the site for the University, and the University buildings were begun. Congress granted 400,000 acres of land in north Alabama to be used to get money to build canals around

Muscle and Colbert Shoals, in the Tennessee river. State laws were passed forbidding slaves to carry weapons or to leave home without a "pass" from their master. There was excitement because of the tariff laws passed by Congress, and also some trouble with the Creeks about their removal, and with Georgia about the boundary line.

4. Governor Gabriel Moore.—While Gabriel Moore, of Madison, held the governorship, much interest was shown in education and religion. The population increased rapidly, and the people were prosperous and happy. The Treaty of Dancing Rabbit Creek was signed September 27, 1830, by Generals John Eaton, John Coffee, and one hundred and seventy chiefs. It secured from the Choctaws all their lands east of the Mississippi river and prepared for the removal of the tribe to lands in the West. The constitution was changed so as to limit to six years the term of office of the judges of the supreme court. The Tusculumbia, Courtland and Decatur Railroad, the first railroad in Alabama and the first west of the Allegheny Mountains, was begun.

Governor Moore defeated John McKinley for the senate of the United States, and resigned the governorship to take the new office. He was succeeded by Samuel B. Moore, president of the State senate. John Gayle, of Greene county, defeated both Governor Samuel B. Moore and Nicholas Davis in the heated campaign of 1831.

5. Governor Gayle.—John Gayle was of great dignity and force of character. In upholding the laws of the State he almost brought on a clash with the

1829
to
1831

1831
to
1835

Federal government. In 1832, the Creeks, by the Treaty of Cusseta, and the Chickasaws, by treaty made at the Council House on Pontotoc creek, in Mississippi, surrendered to the United States all their lands east of the Mississippi. The Creeks were not to leave the country unless they chose; the whites were not to enter the ceded territory until it was surveyed, and those already in the territory were to be removed as soon as their crops were gathered.

The whites refused to be put out; moreover, many others rushed into the ceded territory. The Indians finally appealed to the Federal government for protection. The United States marshal at Fort Mitchell was ordered to use force to check the whites. The whites quarreled with the marshal, and Federal soldiers killed Hardeman Owens, a commissioner of roads and revenue in Russell county. As a consequence, there was great excitement.

The grand jury of Russell county indicted the soldiers for murder. Governor Gayle claimed that all people within the limits of Alabama, whether Indians, soldiers, whites, or negroes, were subject to the laws of the State. Lewis Cass, the secretary of war, declared that the United States would carry out the terms of the treaty. For awhile it looked as if the United States and Alabama would have serious trouble.

To settle the questions in dispute, Francis Scott Key, author of *The Star Spangled Banner*, visited Tuscaloosa as Federal commissioner. He met Governor Gayle and the general assembly, which was in session, and he compromised by agreeing that the

United States would do no more than remove the whites from the lands expressly reserved for the Indians, and that titles to the lands occupied by the intruding whites might be purchased from the Indians.

A cotton factory was built and operated in Madison county; the railroad was completed from Decatur to Tusculumbia; branch State banks were established, and the people voted against the penitentiary system.

6. Governor Clay.—Clement Comer Clay, of Madison, defeated Enoch Parsons in the race for governor. The Cherokees, on December 29, 1835, at New Echota, in Georgia, ceded all their lands east of the Mississippi for \$5,000,000 and seven million acres of land in the West. They agreed to remove to the western lands within two years; but the treaty was distasteful to many of the tribe, and out of it grew bitter feuds and murders. The strong arm of the Federal government forced the Cherokees to move away in 1838.

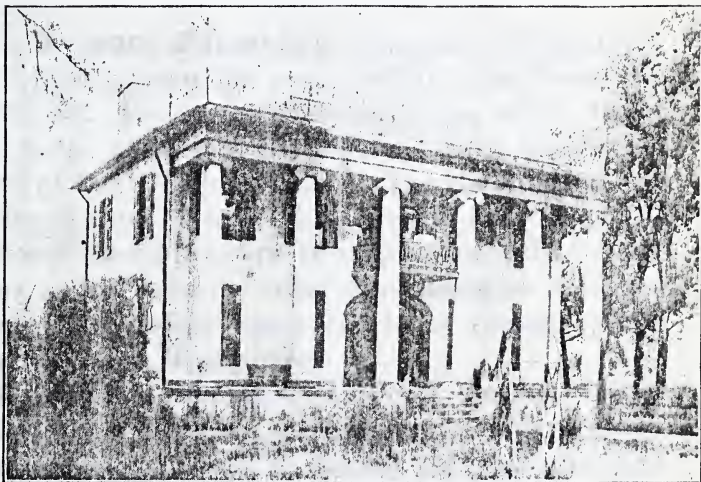
1835
to
1837

Much excitement arose over the raids and murders committed by the Creeks in east Alabama. Roanoke in Georgia was burnt. A company of immigrants was murdered. Governor Clay made prompt arrangements to suppress what was feared to be the beginning of another Creek War. He collected soldiers and supplies, which he turned over to General Jesup and General Winfield Scott. He met in Montgomery and won over to the Americans the Indian chief O pōth'le yō ho'lo, who aided in quieting the Indians.

1838

General William Wellborn attacked the Indians on Pea river, in Pike county, and routed them after a bloody battle. Some of the Indians fled into Florida. The rest were removed to the Indian Territory.

The financial troubles began to create uneasiness—a great change from the confidence of 1836, when the policy of paying the expenses of the State out of the “bank profits” was begun.



Governor Bagby's Mansion in Tuscaloosa

Governor Clay was elected to the United States senate in June, 1837, and was succeeded in office by Hugh McVay, of Lauderdale. Mr. McVay was governor for a quiet term of four months. Arthur Pendleton Bagby, of Monroe, was elected to succeed him.

7. Governor Bagby.—While Mr. Bagby was governor, the Cherokees were removed from the State.

Branding, cropping, and whipping were no longer allowed in the penitentiary system, and people were no longer imprisoned for debt, except in cases of fraud. The disputed boundary line between Georgia and Alabama was settled. The banks throughout the country were giving general uneasiness, and the Alabama State Bank was causing special anxiety. Yellow fever and drought increased the sufferings of the people.

8. Governor Fitzpatrick.—Benjamin Fitzpatrick, of Autauga, won the governorship over James W. McClung. He ordered investigations which finally led to the closing of the State's branch banks, and then of the "Mother Bank." The constitution was changed so as to have elections and sessions of the general assembly every two years instead of every year, as had been the order since Alabama became a State; the capital was voted to be removed from Tuscaloosa to Montgomery.

1841
to
1845

9. Governor Martin.—Chancellor Joshua Lanier Martin, of Tuscaloosa, championing "bank reform," was elected governor in the hot political campaign of 1845. His opponent was Nathaniel Terry. Governor Martin recommended the closing of the banks, and endeared himself to the people by bold measures that brought about the settlement of the bank matters. The Mexican War was of deep interest to Alabamians, many of whom volunteered for service; but only one regiment, under Colonel John R. Coffey, one battalion, under Colonel John J. Seibels, and a company from Limestone, were accepted, and they were not permitted to take active part in the cam-

1845
to
1847

paigns into Mexico. Professor Michael Tuomey, who was elected State geologist in 1848, began to explore the State to learn what minerals were to be found in it. His reports, and those of Sir Charles Lyell, a noted English geologist, directed attention to the great mineral wealth of the State. The capitol, on "Goat Hill," in Montgomery, was finished, and the State archives were removed to it from Tuscaloosa.

1847
to
1849

10. Governor Chapman.—Reuben Chapman, of Madison, defeated Nicholas Davis in the race for the office of governor. He devoted himself to relieving the State debt and to the passage of laws for taxes with which to pay these debts. Railroads were creating much interest in the State, and great political speeches were showing the interest Alabamians were taking in matters touching the State and the nation.

1849
to
1853

11. Governor Collier.—Henry Watkins Collier, of Tuscaloosa, had been long on the supreme bench, and had decided a great many cases that came before the supreme court. Other judges who read his opinions said that he was a very able judge. He was elected governor with hardly any opposition. He was very popular. His wife Mary, the sister of Mr. Alfred Battle, did every thing she could to help him rise to high positions. His home was the center of culture and liberal hospitality. Under him the State made steady and remarkable advances in general improvements; schools, churches, farms, railroads, and every branch of business thrived.

1853
to
1857

12. Governor Winston.—John Anthony Winston, of Sumter, enjoyed the distinction of being the first

native-born governor of Alabama. His birthplace was in Madison county. He was descended from Revolutionary stock in the Old Dominion. He made a strong governor. He was careful in spending public moneys, and no doubt saved the State from losing a great deal. He vetoed many bills which permitted the use of large sums for building railroads and making other improvements in the State, and for this reason was called the "Veto Governor." His frequent clashes with the legislature did not make him any the less popular. He approved the bill for establishing the public school system. His bold, firm character not only influenced the men of his day, but left its impression upon the history of the State.

13. Governor Moore.—Andrew Barry Moore, of Perry, became governor in 1857. His first term was noted for the establishment of the Bryce Hospital and the Institute for the Deaf and Dumb. The great mineral wealth of the State, to which attention had been directed, began to be developed.

1857
to
1859

SUMMARY

Among the important events of the first forty years of statehood may be mentioned the rapid increase of population from 1820 to 1830, the establishment and failure of the State Bank and its branches, the removal of the capitol to Tuscaloosa and then to Montgomery, the founding of the University, the removal of the Indians to lands in the West, the building of railroads, improvement of schools and churches, the establishment of the public school system, and the development of the great mineral resources of the State.

QUESTIONS

1. Describe the growth of the State immediately after its admission into the Union. 2. Give the chief events of Governor Pickens's administration. 3. To what place was the capitol

removed? Why? 4. Give the terms of the Treaty of Dancing Rabbit Creek; of Cusseta; of the Pontotoc Council House; of New Echota. 5. What trouble occurred between the United States government and Alabama because of the Creek Indians? 6. Give an account of the Indian uprising during Governor Clay's administration. 7. Mention the chief events of the administration of Governor Bagby; of Governor Fitzpatrick. 8. How did the election of Mr. Joshua L. Martin affect the State Bank? 9. Who was appointed State geologist in 1848, and what work did he do for the State? 10. What important events occurred during the administration of Reuben Chapman; of Henry W. Collier; of John A. Winston; of Andrew Barry Moore? 11. Name the governors of Alabama from 1820 to 1859. 12. During whose administration was the University chartered? When and at what place were its buildings begun?

Period III. Secession and War



William Lowndes Yancey

CHAPTER XIV

WILLIAM LOWNDES YANCEY

(1814-1863)

1. Parentage and Early Life.—William Lowndes Yancey was born at O gee'chee Shoals, in Georgia. After having the best of instruction in a preparatory school, he went to Williams College. Before finishing the courses for his degree, he entered upon the study of law in the office of Benjamin F. Perry, in Greenville, South Carolina. He was soon engaged in public debates on questions that were giving the people a great deal of concern and that were to be settled in Congress. He opposed strongly the "Ordi-

1814

nance of Nullification'' in a Fourth-of-July speech when he was but twenty years of age, and at that time he showed the forces of brain and heart which carried him on to fame.

His mother was a daughter of Colonel William Bird, whose home in Pennsylvania was a resting place for oppressed patriots of the Revolution. One of Colonel Bird's sisters married a signer of the Declaration of Independence, and two others married Revolutionary statesmen.

Mr. Yancey's father was of Welsh extraction and Revolutionary connections; after serving gallantly as a midshipman on the United States warship *The Constitution*, he took up the practice of law. This gifted father died early, leaving his two sons, William Lowndes and Benjamin Cudworth, to the care of their mother, a woman of remarkable mind and strong character. Her influence had a great deal to do with the success of her sons in after life.

1834

In 1834, William L. Yancey was editor of the *Greenville Mountaineer*, and he made it a strong advocate of liberty and the Union. In public speeches he startled audiences by his eloquence and reasoning. Two years later he came with his young wife to Alabama, and settled on a plantation in Dallas county.

2. Fined and Sentenced to Imprisonment.—On a visit to Greenville, South Carolina, while in conversation with some gentlemen about candidates for Congress, he was given the "lie" by Elias Earle, a youth of seventeen and a cousin to Mrs. Yancey. Mr. Yancey boxed the young man's jaws. Young Earle

resented manfully with his riding whip. His father, Dr. Robinson Earle, a few days later attacked Mr. Yancey. In the fight which followed, Dr. Earle was shot to death. Mr. Yancey was tried, convicted, and fined \$1,500 and given twelve months' imprisonment. The judge stated that "he could impute no moral guilt, as what had happened seemed to be entirely accidental." Governor Patrick Noble removed the penalty of imprisonment and remitted \$1,000 of the fine.

3. Mr. Yancey as a Planter.—Mr. Yancey returned to Alabama. He bought a few acres in Coosa county, where he could spend the summers with his family away from the malaria of his newly-cleared plantation. He was happy with his family and in the success of his business. He had negroes enough to make a good living, and he was giving his thoughts to the raising of crops and the study of government.

In 1839, during his summer absence in Coosa county, his overseer on his plantation in Dallas county offended a neighbor's overseer. A spring of water at which Mr. Yancey's overseer was accustomed to drink was poisoned. The overseer on that special day did not pass the spring as usual, but the negroes drank of it and were poisoned. The skill of physicians and Mr. Yancey's careful nursing and personal attention saved but few of them. Crops went to ruin and Mr. Yancey was thrown into debt. He at once began to plan to redeem his losses by pushing the *Wetumpka Argus*, of which he was editor, and by going again into the practice of law. Though urged by friends to take the benefit of the

bankrupt laws, he refused to do so, and proudly pressed forward until he paid all his debts.

4. Member of Alabama Legislature.—Mr. Yancey
1841 was a member of the Alabama legislature in 1841. The following year he formed a law-partnership in Wetumpka with the eloquent and polished Sampson W. Harris, gave up the editorship of newspapers, and shared the profits of a successful law business. As State senator from Coosa and Autauga counties in 1843, he opposed the counting of negroes along with the whites in order to determine how many representatives were to be chosen. He aided to enact the law protecting the estates of married women. He was scarcely thirty years old at this time, but he was considered a very wise man and a great orator.

5. Member of Congress.—Mr. Yancey succeeded to
1844 the seat of Dixon H. Lewis as representative in Congress. While in Congress he replied to Thomas L. Clingman, of North Carolina, whose bitter speech against Southern Democrats charged them as being disturbers of the peace. This reply was remarkable for power and directness. It brought Mr. Clingman's challenge for a duel. The civil officers tried to prevent the duel, but it came off as agreed upon. Neither man was hurt, and the two afterwards became friends.

The laws of Alabama said that no duelist should hold a State office, but the legislature of the following winter passed, over Governor Martin's veto, a bill which changed the law so that Mr. Yancey would not be barred from holding office. His popularity made him a welcome guest in all communities and reelected

him to Congress by a large vote. He said that his canvasses for the two elections did not cost him five dollars.

He was a very influential member of Congress. He worked hard and made some notable speeches. These were so masterful and eloquent that newspapers and people compared him with the great orators of the Old World. He resigned his seat in Congress before the end of his second term, professing himself too poor to be a congressman.

6. Mr. Yancey as a Party Man.—Mr. Yancey was a staunch Democrat, a scholarly gentleman, and a lover of justice. In his public, as well as in his private life, he lived up to the resolution to “commit no wrong, relinquish no right.” His enemies sometimes doubted his judgment, but never his honor. On the questions of slavery and States rights, he was a strong defender of the South. He loved the Union, but he became convinced that the settled policies of the more populous North would continue to be unjust to the South.

After resigning from Congress, he removed to Montgomery, and there continued the practice of law. Here, too, lived his distinguished opponent, the superb Henry W. Hilliard. These two, with their friends, made Montgomery the center of political opinions as held by the South.

Mr. Yancey was a delegate to most of the conventions of his party. He wrote the “Alabama Platform,” which was adopted by the State Democratic convention in 1848, and six years later by the national Democratic convention at Cincinnati. This

platform declared that the territory of the United States was the common property of all the States; that every man had the right to take into any territory all his property, whether stock or negroes; and that in exercising this right the United States ought to protect him.

1848 A coolness came between Mr. Yancey and his party in 1848. He denounced the Baltimore convention that nominated Mr. Cass for President, and in the election refused to vote for him. He wanted the political opinion of the nominee for President to agree with the Alabama Platform. Mr. Cass sided with those who believed in slavery, but he leaned to "squatter sovereignty," which was the doctrine that the people of a territory could vote, when it asked to be admitted into the Union, whether it would be a slave State or not. From 1848 to 1856 Mr. Yancey was altogether out of favor with the Democratic party, but the convention of 1856 held in Montgomery restored him to leadership, and henceforth he absolutely controlled political action in Alabama.

7. Leader of the Southern Democrats.—In many ways the Northern people were showing their contempt for the laws of the Union respecting slavery and States rights. As a result, Mr. Yancey and the South were forced to fight for honor, liberty, and life.

1860 He led the Alabama delegation out of the Charleston convention in 1860, when it refused to endorse the Alabama Platform. He then aided in nominating John C. Breckinridge, of Kentucky, for the presi-

dency, and became leader of the States rights wing* of the Democratic party. He toured the country for Mr. Breckinridge, speaking in New York, Ohio, Kentucky, and other States, pleading for the cool judgment that would preserve justice, States rights, and the Union. To this end he would defeat the election of Mr. Lincoln to the presidency of the United States.

After the election of Mr. Lincoln, Mr. Yancey drew up the "Ordinance of Secession" and secured its passage. He believed that secession could be effected without war, but in this he was mistaken.

Jan. 11,
1861

8. Commissioner to England.—Mr. Yancey vainly urged President Davis to place a low tariff on imports from England and France, provided those countries would recognize the Confederate States as a nation, and would not consider them a section of the United States in rebellion. Mr. Davis would not do this, but offered to Mr. Yancey any official position in the Confederate States government that he might choose. Mr. Yancey refused to choose, but accepted the appointment of commissioner of the Confederate States to England. As he believed before leaving this country, he was not recognized at the English court, nor could he persuade England

*The split in the Democratic party at the Charleston convention resulted in the nomination of three candidates for the presidency—Stephen A. Douglas, who leaned to "squatter sovereignty"; John Bell, who wanted to uphold the constitution and preserve the Union, and John C. Breckinridge, who was a firm believer in States rights. These were opposed by the Republican candidate, Abraham Lincoln.

to acknowledge the independence of the Confederate States.

9. Confederate Senator and Death.—In February, 1862, he returned home, broken in health and depressed in spirits. He was elected to the Confederate States senate and served his country with his usual activity and patriotism.

He died in Montgomery July 27, 1863.

10. Mr. Yancey as an Orator and Patriot.—Yancey was the truest of patriots and the greatest orator* of his day. His perfect mastery over the passions of men was shown in New York, Cincinnati, Memphis, and other places. When he began to speak, his opponents would sometimes hiss and scoff him; but before he concluded, they would be quieted into respectful silence by his masterful eloquence and his

*Dr. J. B. Hawthorne, the eminent Baptist divine, himself a most eloquent orator, says that Mr. Yancey possessed "the four great elements of oratory—reason, imagination, passion, and action. In argument he was the peer of Webster and Calhoun. He was as resistless as an Alpine avalanche. When he had finished his discussion, it seemed impossible to escape from his conclusions or to view the subject in any other light than that in which he had presented it. In imagination, he was not the equal of Webster or Burke or Prentiss. His flights were sometimes vaulting, but always easy and natural. There was never the semblance of extravagance. His fancy, like Milton's Eve, was graceful in every step. He was always impassioned, and when the storm of his invective burst upon his political adversaries they smelt brimstone in the air and felt that the day of judgment had come. But with all of his passion and impetuosity, there was the most perfect self-control. His gestures were few and unpremeditated, but magnetic in the last degree. In the strength, flexibility, compass, clearness, and vibrant quality of his voice, Yancey had no equal."

forceful arguments. "It must be so, Yancey; thou reasonest well," was the conclusion forced upon many who had come to take issue with him, but who went away convinced that he was right.

Measured by the devotion of the South to the cause he advocated and the four long war-stained years, with battles such as the world never before witnessed, Yancey must rank among the greatest men of our nation. He has been justly called the "Demosthenes of the South" and the "Patrick Henry of the second revolution."

SUMMARY

William Lowndes Yancey, a native of Georgia, at an early age attracted attention as an orator and public man. Misfortune overtook him as a planter, but by untiring efforts he paid all his debts. As a member of the general assembly and of Congress, he served the people faithfully and honestly. He became one of the leaders of the Democratic party in the South, and drafted the Alabama Platform. In his young manhood he had been a Union man, but the attitude of the North toward the South finally made him a strong advocate of States rights. He drafted the "Ordinance of Secession," was commissioner to England, and Confederate senator. In the years just preceding the war, no man was his superior as a lawyer, editor, or orator.

QUESTIONS

1. Give an account of the parentage and youth of William L. Yancey.
2. Narrate the incidents of his being fined and imprisoned.
3. What misfortune befell him as a planter, and how did he meet it?
4. What did he do as a member of the legislature?
5. As a member of Congress?
6. Describe Mr. Yancey as a party man.
7. What was the "Alabama Platform"?
8. Give an account of the coolness between Mr. Yancey and his party.
9. What did he do as leader of the Southern Democrats?
10. What positions did he hold under the Confederate government?
11. Describe Mr. Yancey as an orator and patriot.



Henry Washington Hilliard

CHAPTER XV

HENRY WASHINGTON HILLIARD

(1808-1892)

1. Early Life.—Henry W. Hilliard (hil' yard) was
1808 a North Carolinian by birth, but during his early
boyhood his parents moved into South Carolina and
settled in Columbia. Here he spent his youth. When
eighteen years old he was graduated with distinction
from the University of South Carolina. He studied
law and was admitted to the bar at Athens, Georgia.

2. Professor of English Literature.—From 1831 to
1831 1834 he filled the chair of English literature in the
to University of Alabama. He was well fitted for this
1834

chair. He liked to read the best books in English and Latin and other languages, and to introduce young men to the beauties and merits of literature. He was a good reader, and he delighted to entertain his pupils and older friends in reading from the best authors.

He loved the productions of the ancient masters, and devoted himself closely to the works of Demosthenes and Cicero, trying to understand what it was that made them great orators. He developed into a master of the art of public speaking. His voice was naturally sweet and under perfect control, while his great mind and splendid figure combined to impress people that he was a distinguished man.

He took an interest in so many things that he became dissatisfied with the quietude of college life. He resigned his chair in the University and entered upon the practice of law in the city of Montgomery. Here he added to his friends and won his fame.

3. Minister to Belgium.—Through the State legislature he moved into higher public offices. Upon the nomination of William Henry Harrison for the presidency of the United States, Mr. Hilliard placed before the great Whig convention at Harrisburg the name of John Tyler, of Virginia, for Vice-President. This act commended him to Mr. Tyler, who afterward appointed him minister to Belgium. While holding this position, he mingled with kings and queens and with the most cultured people from all countries. Judge William R. Smith says of him, "He was a man to stand before the king. His per-

1842
to
1844

sonal appearance at all times and in all places was elegant, commanding, and courtly."

The annexation of Texas was at this time exciting the two worlds. Hilliard secured the full confidence of King Leopold, and Belgium did not protest against the annexation.

4. Member of Congress.—Upon his return to Alabama, Mr. Hilliard was elected to represent the State in the United States Congress. In that great body he displayed much energy and interest in affairs of the times. England and the United States were contending about the northwest boundary line between Canada and this country. Some people wanted the United States to claim up to 54° 40' north latitude, and to fight England if this was not granted. Mr. Hilliard's speech on the subject of this boundary line was in sympathy with the sentiment "fifty-four forty or fight." He presented his side of the question so clearly and eloquently that John Quincy Adams walked across the hall of the house of representatives to congratulate him. Mr. Yancey opposed Mr. Hilliard on the question of the boundary line.

Congress disappointed Mr. Hilliard. The great orators of past ages whom he had studied as models made their speeches when public questions were settled before assemblies of the people themselves. In Congress, however, Mr. Hilliard was not addressing the people, and consequently his speeches were not received as he had expected. It worried him to look upon members of Congress engaged in cracking jokes, eating peanuts, writing letters, mailing papers, and wholly indifferent to his fiery orations.

Mr. Hilliard opposed the doctrine of secession, but he did not favor the passage of laws which excluded slavery from the territories.

5. Services to the Confederacy.—He followed Alabama in secession, and on the outbreak of war he was made commissioner to Tennessee to arrange for its admission into the Confederacy. He afterwards raised "Hilliard's Legion" of three thousand men for the Confederate service. After the war he returned to Georgia and practiced law in Augusta.

1861

6. Minister to Brazil.—President Hayes appointed Mr. Hilliard minister to Brazil. While in this service he aided in freeing the slaves. Upon request made by the government of Brazil for his views on slavery, he submitted a letter which was published throughout the world, and which produced a deep impression, coming as it did from one who had owned slaves. In his letter he not only advocated the freeing of slaves, but suggested seven years as the time in which this should be done. He was entertained by the Anti-Slavery Society of Brazil, and his speech on that occasion gave him reputation throughout the world. It was published in the official *Bluebook* of Great Britain.

1877

7. Later Life.—He resigned his office as minister to Brazil when Garfield became President, and resumed the practice of law in Augusta, Georgia.

1881

He died in Augusta on December 17, 1892.

Dec. 17,
1892

8. Writings.—Mr. Hilliard was a graceful writer. He has left a volume of *Speeches and Addresses*; *Roman Nights*; and *De Vane, a Story of Plebeians and Patricians*. His *Politics and Pen Pictures* is an

account of some interesting events in his political life. It also tells of his experiences among courts and people abroad. *De Vane* is a charming novel, full of beautiful descriptions of college and home life. It is a sweet love-story, which pictures the religious conditions of the day.

9. Hilliard and Yancey Compared.—Mr. Hilliard was not the equal of Mr. Yancey as an orator, but he was the only man in the State who could meet Yancey in debate, always share in the applause, and sometimes come off victor. The two were opposites in politics, but were united on some of the great questions that touched the South. Both condemned the policy that would exclude slavery from the territories or interfere with it in the States; but Mr. Hilliard accepted compromises to which Mr. Yancey would not listen. Mr. Hilliard was the gentler, more polished, more cultured of the two; but Mr. Yancey was the more profound thinker and the better judge of men. Mr. Hilliard never failed to entertain. He always sustained his reputation as a thorough statesman and a brilliant orator. Mr. Yancey seldom failed to eclipse his past. Especially did he rise in public opinion when he met, before Northern audiences, the men that most strongly opposed him. No compromise, but perfect composure and confident power marked his speech.

Mr. Hilliard loved popular applause, and while always guided by noble principles, he felt discontented when his lectures as a professor, or his speeches in the court room or in Congress, failed to arouse enthusiasm in his listeners. Mr. Yancey

never failed to call forth intense interest. He became so buried in his subject as to seem indifferent to what his hearers thought of him.

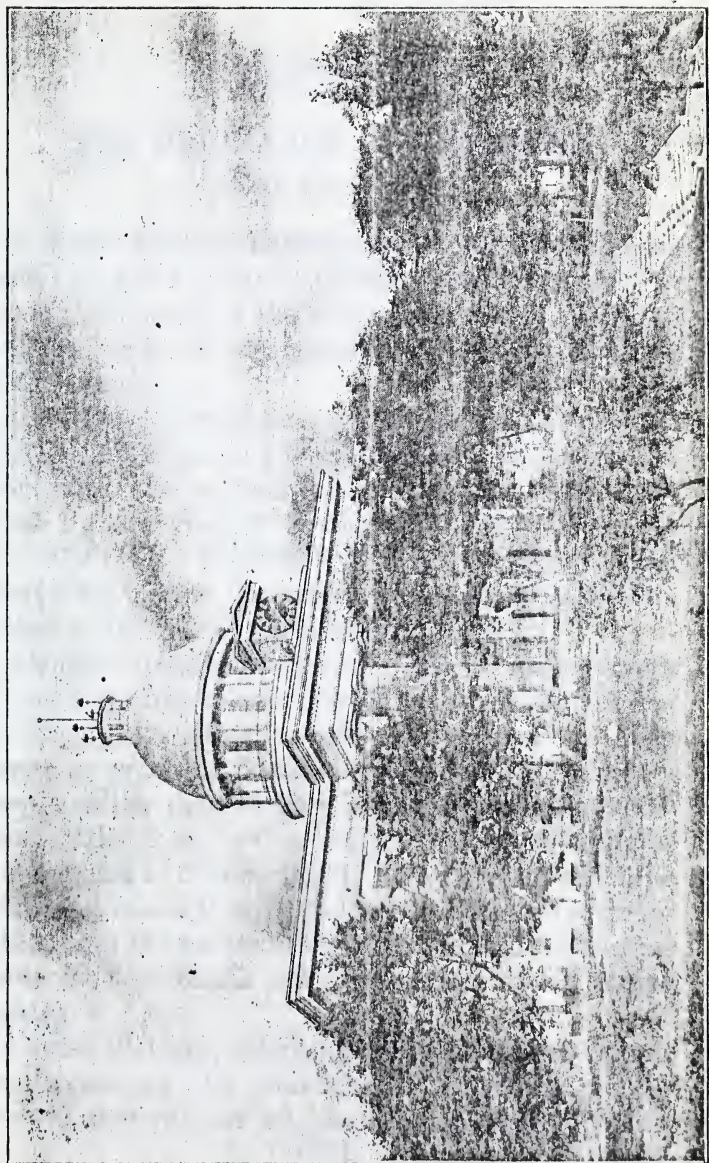
Both men helped to make history in peace and in war, and with conscious pride we should name them in love. All honor to their memory.

SUMMARY

Henry Washington Hilliard, a native of South Carolina, was for three years a professor of English literature in the University of Alabama. He made a study of oratory. Resigning his position, he became a lawyer and member of the State legislature. As minister to Belgium, he helped to keep the countries of Europe from objecting to the annexation of Texas. On his return to America, he was elected to Congress, but the work of that body did not please him. At the outbreak of the war he cast his fortunes with the Confederacy. After the war he was appointed minister to Brazil, and he aided in freeing the slaves of that country. He is the author of several valuable works.

QUESTIONS

1. Give a sketch of Henry W. Hilliard's early life.
2. Describe his work in the University of Alabama.
3. What did he accomplish as minister to Belgium?
4. Give an account of his work in Congress.
5. Why was he disappointed in Congress?
6. What services did he render to the Confederacy?
7. In what way and with what results did he serve the government of Brazil?
8. Give a brief sketch of his later life.
9. Of what books is he the author?
10. Compare Mr. Hilliard and Mr. Yancey.



The State Capitol, on Capitol Hill, Montgomery

CHAPTER XVI

THE ORDINANCE OF SECESSION

(Jan. 7-11, 1861)

1. Early Political Differences.—There have always been two great political parties in this country. In the early history of the nation Alexander Hamilton was the leader of one party, and Thomas Jefferson of the other.

Hamilton believed in a strong centralized government, which means a government after the order of a monarchy. He wanted the ruling power to be exercised by the general government and not by the several States. He believed in government for the people, but not by the people. He may be called the father of the present Republican party.

Thomas Jefferson believed that all just powers of the government are vested in the consent of the governed. In other words, he wanted to keep power as much as possible with each State and its people rather than to give it to the general government. His views on this subject formed the basis of the doctrine of States rights. The party to which he belonged, which is now the Democratic party, maintained that the constitution of the United States was made in accordance with his views about States rights.

Daniel Webster, adopting the opinions of Hamilton, construed the constitution as giving to the general government all powers not expressly for-

bidden. Mr. Calhoun, following the views of Mr. Jefferson, construed the constitution as reserving to the States all powers not expressly given to the general government.

This difference in construing the constitution gradually brought many unpleasant issues of politics, the chief of which were States rights and slavery. The discussion of these two issues raged for many years. They aroused much bitter feeling and finally brought on the war between the North and the South.

2. Slavery in the North and in the South.—Negro slavery was very early introduced into all the colonies of America, and it existed in all of them at the close of the Revolutionary War. The question of slavery was fully and freely discussed by those who made the constitution of the United States. If it had not been fully understood that white people might own negro slaves, the States would not have agreed to form the Union.

The people of the North gradually sold off their slaves because in their climate of long winters negro labor could not be used profitably. For a long time after this, however, New England vessels continued to bring negroes from Africa to be sold into slavery in the Southern States.

Just after the formation of the United States, many representative men in the South believed negro slavery to be wrong, and more Colonization Societies were formed in the South than in the North. The object of these societies was to free the negroes and settle them in colonies in Africa and

elsewhere. Washington, Jefferson, John Randolph, and other leading Southerners freed a number of their slaves.

3. First Advocates of Secession.—In accepting the constitution of the United States and thus joining the Union, all of the States believed that they had the right to withdraw from it. The New England States bitterly opposed the purchase of Louisiana in 1803 on the ground that it would give the South too much power in the general government. Massachusetts went so far as to threaten to withdraw from the Union because of the purchase.

1803

These same States and the Northern middle States so strongly opposed the War of 1812 that a member of Congress from Massachusetts declared in the house of representatives that the Union ought to be dissolved. The cause of this opposition was that the war cut off the large ocean trade in which the New England States were engaged. Delegates from four of these States met at Hartford in secret convention with the supposed purpose of taking steps to withdraw from the Union.

1814

4. Missouri Compromise.—The Territory of Missouri had been settled by slaveholding emigrants from Virginia, Tennessee, and Kentucky. The constitution presented by Missouri when it requested to be admitted to statehood contained a clause which permitted negro slavery. Mr. Tallmadge, a congressman from New York, proposed to change the constitution so as to make it unlawful to take any more slaves into Missouri, and to compel masters to free all negro children born in the State after they

should reach twenty-five years of age. After long and bitter debates a compromise was made. By the terms of this compromise the Territory was admitted as a slave State, but slavery was excluded from all territory to the north and west of it down to the parallel of $36^{\circ} 30'$. This gave the South great offense and made so great a change in the opinions of the Southern people that they lost confidence in the justice of Northern policies.

5. Nullification in the South.—The ill-feeling of the North against the South was aroused by the South Carolina “Ordinance of Nullification.” The tariff laws of 1824, 1828, and 1832 protected Northern manufacturers and raised the price of goods to Southern farmers. The people of South Carolina thought that these laws were unjust to the South, and in convention assembled they passed an “Ordinance of Nullification.” This ordinance declared null and void the tariff laws. The claim of a State to the right of refusing to obey a law of Congress is known as the doctrine of nullification.

1832

6. Slavery Question in Congress.—The North and South were further aroused by the passage in Congress of a number of resolutions relating to slavery. One of these resolutions provided that in future Congress would refuse to consider “all petitions, memorials, resolutions, or propositions bearing in any way, or to any extent whatever, on the subject of slavery.”

1836
to
1840

7. Abolitionists and Free Soilers.—People who wanted to do away with slavery altogether were called Abolitionists. Their banner bore the inscrip-

tion, "The Constitution—a covenant with death, an agreement with hell." They violently opposed the annexation of Texas because it would give new territory for slavery and increase the number of Southern representatives in Congress.

The South was henceforth very sensitive on the subject of slavery, and wanted the constitution of the United States to admit in express terms that it would protect slavery, while the North was equally stirred not only to prevent such an admission, but also to forbid slavery in new States.

The annexation of Texas gave occasion for the rise of a new party known as "Free Soilers." This party believed that slavery should not be allowed to exist in any new State admitted to the Union. Both the Abolitionists and the Free Soilers refused to abide by the Missouri Compromise of 1820. They insisted upon excluding slavery from the territory acquired by war from Mexico, although a part of this territory was south of the line of $36^{\circ} 30'$.

1848

8. Compromise of 1850.—While these various matters were agitating the people, California applied for admission into the Union. It was evident that there would be a bitter contest over its admission, as the line of $36^{\circ} 30'$ ran through the State. To settle the slavery question, the Compromise of 1850* was offered by Mr. Clay. In the debates on this bill, Mr.

1850

*The terms of the Compromise of 1850 were to admit California as a free State, to organize the Territories of Utah and New Mexico without determining whether their inhabitants could own slaves or not, and to compel free States to restore fugitive slaves to their owners.

Seward, one of the leaders of the Abolitionists, said in answer to the speech of Mr. Calhoun pleading for obedience to the constitution, "There is a higher law than the constitution." By this he meant that God's law was higher than man's law; that in his judgment slavery was a violation of God's law; and that the constitution should not be obeyed if it protected slavery. This was the death stab to the constitution, for Mr. Seward's opinion was accepted by the Abolitionists, and by all others who wanted to disobey the laws of the land.

1854

9. Kansas-Nebraska Bill.—In 1854, Congress passed the Kansas-Nebraska Bill. It provided that the two Territories, Kansas and Nebraska, be admitted as slave States or free States, according to the vote of the settlers. These two Territories lay north of the line of 36° 30', and the Abolitionists were aroused because the bill set aside the terms of the Missouri Compromise.

Settlers rushed into Kansas from the North and the South, in order to influence its vote on the question of slavery. Arms were smuggled into the State, and soon there was a border war. Colonel Jefferson Buford, of Alabama, contributed twenty thousand dollars to pay the expenses of States rights men who wanted to move to Kansas. He himself carried into the Territory a company of Southern emigrants. His patriotic efforts, however, were not successful, and after much suffering his company returned to their homes.

10. Nullification in the North.—One of the clauses of the Compromise of 1850 was known as the "Fugi-

tive Slave Law." It provided that slaves who had run away and gone to Northern States should be arrested and returned to their masters. This law stirred the Abolitionists to greater efforts against slavery.* In most of the Northern States they succeeded in passing "Personal Liberty Laws," the purpose of which was to make free every slave that for any purpose or in any manner entered a free State. These laws practically nullified the Fugitive Slave Law.

The North continued to nullify the Fugitive Slave Law in spite of the decision of the supreme court of the United States in the Dred Scott case. In giving its opinion, the court decided that slaves could be carried into any territory of the United States, whether it were north or south of the line of 36° 30'. This decision excited great anger among the friends of abolition.

1857

11. John Brown.—John Brown was an Abolitionist who had taken part in the border war in Kansas. Being secretly aided with money by prominent Abolitionists in the North, he prepared to arouse the negroes against their masters. With a small armed force he slipped over into Virginia and took possession of the arsenal at Harper's Ferry. He was captured by Colonel Robert E. Lee, tried in the Virginia courts, and hanged.

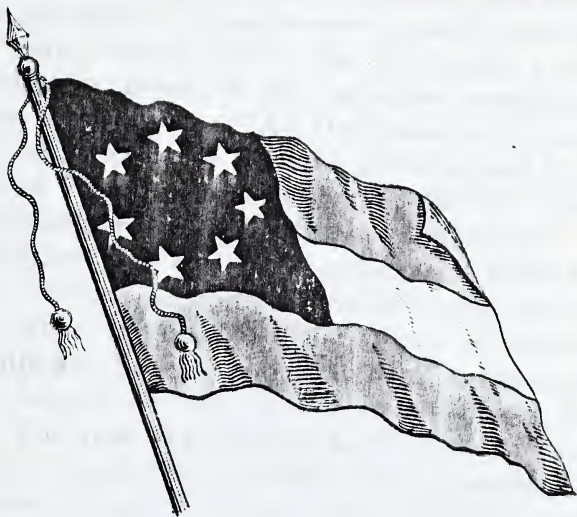
1859

*In their efforts to evade the Fugitive Slave Law, the Abolitionists adopted a plan known as "the underground railroad." They provided hiding-places in the daytime for runaway slaves and assisted them in travelling during the night. With this assistance many of the slaves reached Canada where they were free.

1860 **12. Election of Mr. Lincoln.**—In the campaign of 1860, the Democratic party split into three sections, and was defeated in the election. The Republican party elected Mr. Lincoln, whose open hostility to slavery led the South to believe that its rights would not be protected in the Union. History proves its conclusions to have been right. Disastrous as was the war that followed, it was the only practicable solution of the issues. Insolence and power would sooner or later have forced the conflict of the sections.

1861 **13. Efforts at Reconciliation.**—Even after the election of Mr. Lincoln, prominent statesmen of the South tried hard to smooth over the differences between the two sections. The "Crittenden Compromise," offered to the Congress of 1860-1861, gave to the free States three-fourths of all the territory of the Union, and did not absolutely bind the other fourth to admit or maintain slavery. It was rejected, not by Southern Democrats, but by Northern Republicans. Jefferson Davis and Robert Toombs, whom the uninformed are disposed to charge with the responsibility of pressing the war, would have accepted and voted for the "Crittenden Compromise" rather than bring on war. Under the circumstances it was impossible to preserve peace. The war had to come.

Jan. 7,
1861 **14. Secession Convention.**—By proclamation of A. B. Moore, governor of Alabama, an election of delegates to the secession convention was held. These delegates met in Montgomery, January 7, 1861. An "Ordinance of Secession," which had



THE FIRST FLAG OF THE CONFEDERATE STATES, ADOPTED BY THE CONFEDERATE CONGRESS IN SESSION AT MONTGOMERY, WAS RAISED TO THE TOP OF THE STAFF ON THE CAPITOL AT MONTGOMERY, MARCH 4, 1861, BY MISS L. C. TYLER, OF VIRGINIA, THE GRANDDAUGHTER OF EX-PRESIDENT JOHN TYLER.

been prepared by William L. Yancey, was offered to the convention. Speeches were made for and against it. Mr. Yancey closed the debates in a brilliant speech in favor of the secession resolution, the title of which was, "An Ordinance to Dissolve the Union between the State of Alabama and the other States United under the Compact Styled: 'The Constitution for the United States of America.' " The delegates were divided in sentiment. Robert Jemison, William R. Smith, James S. Clarke, and thirty-six others opposed the "Ordinance of Secession." William L. Yancey, Judge William M. Brooks, Senator John T. Morgan, and fifty-eight others favored it. The vote was taken in secret session, but when Judge Brooks, the president of the convention, announced the result of the vote, the doors of the State house were opened, and the lobby in a moment was filled with anxious citizens who were breathlessly waiting the announcement.

Jan. 11,
1861

As the multitude rushed in, there was unfurled in the center of the hall a magnificent flag that almost spanned the ample chamber. Mr. Yancey, in behalf of the ladies of Montgomery, presented the flag to the convention; Judge William R. Smith, in accepting it, recalled the glories of the "star-spangled-banner" and the devotion of woman to heroic service. He closed as follows: "We accept this flag; and, though it glows with but a single star, may that star increase in magnitude and brilliancy until it outrivals the historic glories of the star-spangled-banner."

Mr. Alpheus Baker, of Barbour county, in a most

memorable speech, expressed to the ladies the thanks of the convention.

The cheering and enthusiasm cannot be described. The roar of cannon, the display of the new State flag from windows and towers, the congratulations of



Jefferson Davis.

orators, and the blending of political parties, made a season of historic jubilee. Politicians forgot their differences in the glad hour of the birth of a new republic.

On the day following the adoption of the "Ordinance of Secession," the Alabama members in Congress withdrew in a body.

15. The Confederacy Formed.—Three other States had already passed "Ordinances of Secession," and others quickly followed. Delegates from Texas, South Carolina, Georgia, Florida, Mississippi, Louisiana, and Alabama met in Montgomery, February 4, 1861, and formed the Confederate States of America by creating a provisional government. Jefferson Davis was elected President and Alexander H. Stephens Vice-President. Howell Cobb, of Georgia, was president of this Congress, and Johnson Jones Hooper, of Alabama, was its secretary.

Feb. 4,
1861

On February 18, 1861, Jefferson Davis took the oath of office as President of the Confederate States of America on the portico of the capitol in Montgomery, "the cradle of the Confederacy." For three months this historic city was the capital of the Confederate States. From it went the order to fire on Fort Sumter, and in it were originated the plans for launching the new republic on the stormy sea of battle.

Feb. 18,
1861

SUMMARY

Soon after the formation of the Union two political parties arose. Their leaders disagreed about the meaning of certain parts of the constitution. The main issues were slavery and States rights, which finally brought on the War between the States. Among the important events that led to this war may be mentioned the secession movements in the North in 1803 and 1814, the Missouri Compromise, nullification in South Carolina, slavery resolutions in Congress, the annexation of Texas, the attacks on slavery by the Abolitionists and "Free Soilers," the Compromise of 1850, the Kansas-Nebraska Bill, the enforcement of "Personal Liberty Laws," the Dred Scott decision, the John Brown raid, and the election of Mr. Lincoln. Alabama was the fourth State to withdraw from the Union. The "Ordinance of

Secession," prepared by William L. Yancey, was passed in Montgomery on January 11, 1861. The Confederate States government was soon formed with Jefferson Davis as President.

QUESTIONS

1. Give the origin of political parties in this country.
2. What were the opinions of Mr. Webster and Mr. Calhoun about States rights?
3. Give an account of slavery during the early history of the United States.
4. When, where, and by whom was secession first advocated?
5. What was the Missouri Compromise?
6. Give an account of the passage of the "Ordinance of Nullification."
7. For what did the Abolitionists and "Free Soilers" contend?
8. For what purpose was the compromise of 1850 offered?
9. Describe the debate on the bill.
10. What results did its passage produce?
11. In what way did the North nullify laws of Congress?
12. What decision was rendered by the supreme court in the Dred Scott case?
13. Give an account of John Brown's raid.
14. Who was elected President in 1860, and with what result?
15. What efforts toward reconciliation were made?
16. Describe the secession convention and its work.
17. Give a brief sketch of the formation of the Confederacy.

CHAPTER XVII

THE WAR BETWEEN THE STATES

(1861-1865)

1. Inauguration of Mr. Lincoln.—Mr. Lincoln, in disguise, reached Washington, and in the midst of a hollow square of bayonets was conducted to the capitol, where he took the oath of office as President of the United States. The bloodiest administration in the history of republics had begun.

Mar. 4,
1861

2. Preparations for War.—Governor A. B. Moore supported heartily the Southern cause.* He ordered State troops to seize Fort Morgan and Fort Gaines, at the entrance of Mobile Bay, and also Mount Vernon arsenal, to prevent their occupation by United States troops.

The bombardment of Fort Sumter occurred April 12, 1861. President Lincoln called for seventy-five thousand volunteers to force the States to remain in the Union. The whole country was aroused for the coming conflict. Even before the passage of the "Ordinance of Secession," Alabama troops were busily engaged in drilling and preparing for war, and they enlisted promptly for active service when the war-cloud broke over the Confederacy.

Apr. 12,
1861

*The Union sentiment among the people in the northern portion of the State was so strong that it was proposed to form the northern counties into a new State, to be named "Nickajack," but the rush of events forbade it.

3. Alabama Troops.—As Alabama was remote from States that opposed slavery, there was no immediate prospect of invasion by the Federals, and her brave sons marched to the battle-grounds of other States. The first Alabama infantry, under Colonel Henry D. Clayton, remained at Pensacola

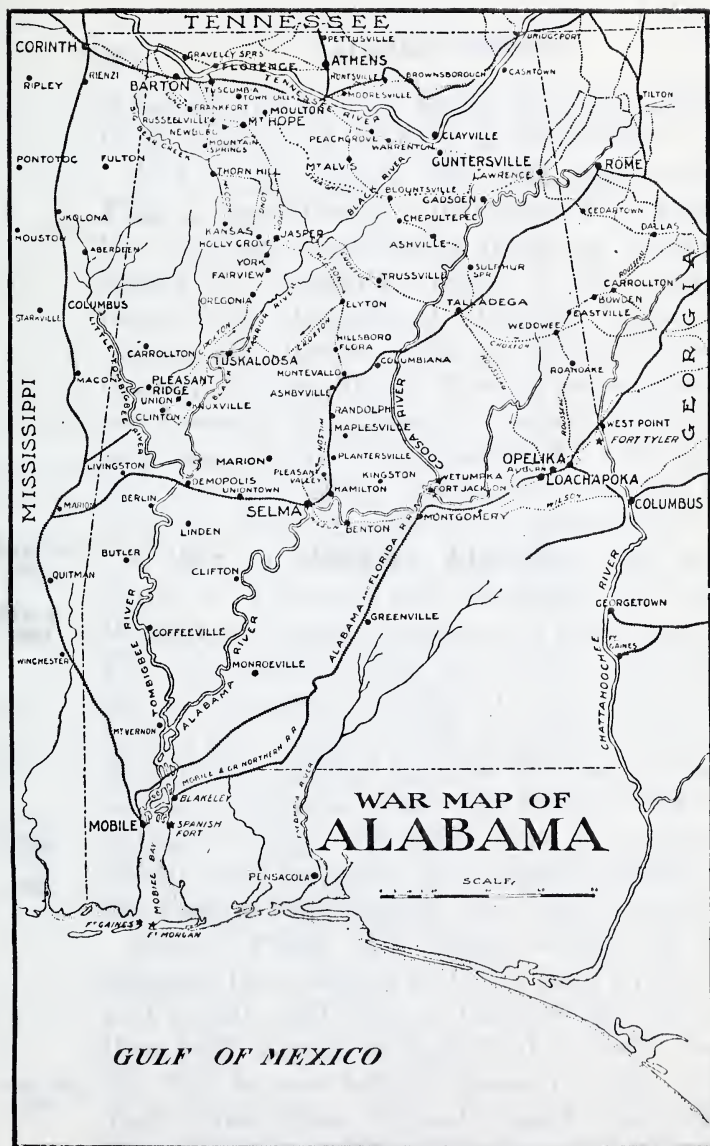


Henry D. Clayton

during 1861, and then moved up into Tennessee. It fought at Island Number Ten, Fort Pillow, Corinth, Port Hudson, New Hope, Atlanta, Nashville, and Bentonville. It was present with its thinned ranks at Goldsboro, North Carolina, when General Joseph E. Johnston surrendered to General Sherman.

The second regiment, under Colonel Harry Maury, protected Fort Morgan, and then became merged into other regiments.

The third regiment, organized under Colonel Jones M. Withers and Colonel Tennent Lomax, took part in the battles of Malvern Hill, Fredericksburg, Gettysburg, the Wilderness, second Cold Harbor, Winchester, and Petersburg, and surrendered with only forty men at Appomattox. At Seven Pines it lost Colonel Lomax, far in advance of his regiment, and also R. B. Johnson, one of its gallant captains.



It lost heavily in every battle, its brave men moving to the thickest of the fight on every field.

And so the history runs with other regiments. From a population of a little more than half a million, Alabama contributed about one hundred and twenty-five thousand soldiers to the Confederate cause, thirty thousand of whom fell before musket, cannon, and disease contracted by military service. Colonel William Henry Fowler, superintendent of army records for Alabama, reported "that Alabama sent more troops in proportion to her population than any other State, and that her loss was heavier than any other, irrespective of population."

Apr. 6-7,
1862

Oct. 4,
1862

4. War in Northern Alabama.—The battle of Shiloh in Tennessee and the battle of Corinth in Mississippi brought defeat to the Confederate arms. The Confederate retreat opened the northern counties of Alabama to Federal troops. Scarcely ever have a brave people suffered greater wrongs than the invaders inflicted upon the defenceless citizens of northern Alabama, where the Federals held almost unbroken sway. So many acts of brutality and cruelty were permitted that General Mitchell, one of the Federal commanders, was removed from office.

1863
to
1865

General Philip Dale Roddy in the fall of 1862 defeated the Federals at Little Bear Creek, in Colbert county, and later at Barton's Station, driving them back to their stronghold at Corinth. On April 28, 1863, he was holding General Dodge at bay at Town Creek when Forrest came to his assistance. The thunder of Dibrell's cannon on the Federal position at Florence called off Dodge, whose retreat

Apr. 28,
1863

left behind it all the desolation that fire could work in the beautiful valley. Forrest dashed away to the pursuit and capture of Colonel Streight.

Raids and detached engagements kept north Alabama in great anxiety. Marshall county especially suffered. The Federals shelled Guntersville several times without giving warning, and finally burned it. Captain H. F. Smith, of Jackson county, with a daring force of sixty-five Confederates, on the night of March 8, 1864, captured in Claysville sixty-six Federals and large quantities of stores and provisions. In May following, Colonel Patterson, of Morgan county, assisted by a battalion of artillery, attacked the Federal stockade in Madison county, capturing eighty prisoners and an immense quantity of provisions.

Mar. 8,
1864

In July, 1864, General Rousseau (rū sō') passed down the Coosa river with nearly two thousand Federals, tore up the railroads, and burned the depots about Loach a pō'ka, Auburn, and O pe lī'ka; but the citizens and youths who formed the State reserves drove him away into Georgia.

July,
1864

In September, General Forrest captured Athens, with many horses and fourteen hundred Federals under Colonel Campbell. Forrest also defeated the detachment sent for Campbell's relief. Two days later he captured at Sulphur Trestle eight hundred and twenty men and a large number of horses and loaded wagons.

Sept.,
1864

5. Federal Invasion.—At the same time that a Federal force was moving northward against Mobile, General James H. Wilson started south from Lau-

1865

derdale county. He had thirteen thousand five hundred Federal troops in three divisions, under Generals McCook, Long, and Upton. Generals Roddy and Forrest were sent to harass and check him. Several engagements failed to stop the overwhelming Federal forces. The rolling-mills and collieries with much other property about Montevallo were destroyed.

Apr. 4,
1865

Colonel Croxton turned aside to Tuskaloosa, entered it, burnt the University, and destroyed the foundries and factories and all other public property. He then turned west and was routed by General Wirt Adams at Pleasant Ridge in Greene county. General Adams, being misinformed, proceeded to Columbus, Mississippi, where he hoped again to encounter Croxton. Croxton, however, marched northeast to the capture of Talladega, and then on toward Jacksonville, skirmishing here and there with such straggling forces as the Confederates could muster.

Apr. 2,
1865

General Wilson reached Selma and threw his veterans against the city. Forrest was in command of the defenses, but he had less than seven thousand men, and many of these were inexperienced recruits. The Federals overran the forces of Forrest and captured the city. Brave hearts bravely resisted, but to no avail. Twenty-five hundred Confederates were made prisoners. The Federal soldiers were permitted by General Wilson to go into private houses and take whatsoever plunder they pleased. The Confederate arsenal and foundries were destroyed.

From Selma General Wilson marched on to Montgomery, which he entered without opposition. Among the wrecks of his visit is to be numbered the burning of the files of the *Montgomery Advertiser*. He thus tried to blot out the glorious records of the people of Alabama during the most gigantic struggle of the nineteenth century.

Apr. 12,
1865

6. The Last Fight.—General LaGrange, with three thousand men, attacked the small garrison of one hundred and four youths and sick men in Fort Tyler, near West Point, on the edge of Chambers county. General Tyler, in command of the fort, was slain; Captain Gonzä'lez, his successor, was mortally wounded; Captain Parham, the next in command, displayed equal courage, but the Federals scaled the walls and tore down the Confederate flag from its last stronghold east of the Mississippi. Thus Alabama cradled the birth and watched the dying struggles of the Confederacy.



The Color-Bearer

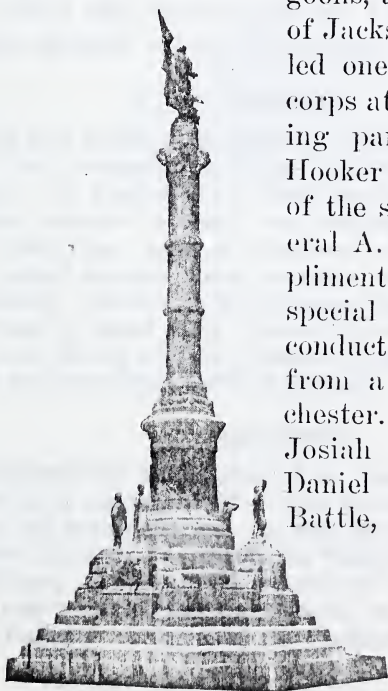
7. The "Gallant Pelham."—The young artillerist, the "gallant Pelham," who was killed by a shell at

Mar. 17,
1863

Kelly's Ford, on the Rappahannock, was Alabama's beloved soldier boy. A beautiful statue has been erected to his memory in the cemetery at Jacksonville, a tribute from Pelham Chapter of the Daughters of the Confederacy.

8. Alabama Generals in the Confederate Army.—

Of Confederate generals it may be said that John B. Gordon enlisted as captain of the Highland Dragoons, the "Raccoon Roughs," of Jackson county. R. E. Rodes led one division of Jackson's corps at Chancellorsville, sending panic into the lines of Hooker; commanded the troops of the seriously wounded General A. P. Hill, and was complimented by Lee's sending a special officer to commend his conduct at Gettysburg; he died from a shell wound at Winchester. James A. Longstreet, Josiah Gorgas, W. W. Allen, Daniel Leadbetter, Cullen A. Battle, James Cantey, J. T. Holtzelaw, James H. Clanton, Henry D. Clayton, Sterling A. M. Wood, and other Alabamians won the general's star. They led their gallant



Confederate Monument
on Capitol Hill, Montgomery

legions into the battles of Manassas, Seven Pines,

Chancellorsville, Sharpsburg, Gettysburg, Cold Harbor, Fredericksburg, Murfreesboro, Chickamauga, New Hope, Atlanta, Shiloh, Nashville, and Franklin; hardly an important battle of the war failed to distinguish the valor of Alabama soldiers.

9. Conditions at the Close of War.—At the close of the war, there were poverty and distress throughout the State. The blackened ruins of homes and villas, and the presence of the Federals in the towns and cities and throughout the rural districts made people gloomy about the future.

SUMMARY

After Fort Sumter had been fired on, President Lincoln called for 75,000 volunteers. Governor Moore took prompt steps to support the Confederacy. After the battles of Shiloh and Corinth, northern Alabama was desolated by Federal troops. Their efforts were confined to this part of the State until a large force under General Wilson marched southward, burning and plundering. The last fight in Alabama took place at Fort Tyler. The State furnished to the Confederacy more than a dozen generals and 125,000 soldiers. Alabama troops distinguished themselves in nearly every battle of the war.

QUESTIONS

1. Describe the inauguration of Mr. Lincoln.
2. What preparations were made for war?
3. Give an outline of what Alabama troops did during the war.
4. Give an account of the war in northern Alabama.
5. Sketch the Federal invasion under General Wilson.
6. Narrate the incidents of "the last fight."
7. Tell about the "gallant Pelham."
8. Name the Confederate generals from Alabama.
9. Describe the conditions at the close of the war.



Admiral Raphael Semmes

CHAPTER XVIII

ADMIRAL RAPHAEL SEMMES

(1809-1877)

1. Early Life.—Raphael Semmes was born in 1809, in Maryland, of Catholic parentage. In 1826, President John Quincy Adams appointed him a midshipman in the navy. He was thus early and long connected with what has been aptly termed “the old navy.”

During a furlough he read law and secured license to practice. He did this not with any intention of leaving the navy, but because the knowledge of law would better fit him to be a naval officer.

He moved his family to Alabama, and a few years later settled in Mobile. He continued in the navy, rarely asking for a furlough, and thus he was rapidly promoted to higher grades of office.

1842

At the outbreak of the Mexican War he was flag-lieutenant under Commodore Connor. He was in charge of the shore battery of breaching guns at the siege of Vera Cruz (ver' a krōōz'). He commanded the brig *Somers* of the blockade squadron along the coast of Mexico, off Verde Island, when a "norther" struck his vessel with such sudden violence that it sunk in ten minutes. Thirty-nine of the seventy-six men composing the crew were drowned.

Dec. 10,
1846

He was for many years connected with the lighthouse service along the coast of the Gulf of Mexico, and was made secretary of the lighthouse board in Washington.

When Alabama passed the "Ordinance of Secession," he resigned both his office in the United States navy and his membership in the lighthouse board, and went immediately to Montgomery. President Jefferson Davis sent him at once to the North to buy supplies of war and to engage skilled mechanics for the manufacture of war supplies. On his return from the North, Captain Semmes went to Montgomery.

2. In Command of the Sumter.—Five days after Fort Sumter was fired on, Hon. S. R. Mallory, secretary of the navy of the Confederate States of America, commissioned Captain Semmes to the command of the *Sumter*, the first Confederate warship to have the honor of throwing to the breeze the

Apr. 12,
1861

Confederate flag. It was only a packet-ship, and had to be overhauled and converted into a warship.

June 30,
1861

On June 30, the *Sumter* steamed out of the Mississippi river into the Gulf of Mexico, and after an exciting race with the United States man-of-war *Brooklyn*, which was on blockade duty, escaped to sea. The *Sumter* carried a gallant crew, among whom was second lieutenant Robert T. Chapman, of Alabama.

The orders to Captain Semmes were to "do the greatest injury to the enemy's commerce in the shortest time." Naval Solicitor John A. Bolles said eleven years afterward:

"Never, in naval history, has such an order been so signally obeyed; never has there occurred so striking an example of the tremendous power of mischief possessed by a single cruiser acting upon the destructive plan as that furnished by the *Sumter* and her successor, the *Alabama*, under the command of Semmes, whose untiring activity, restless energy, and fiery zeal found no voyage too long, no movement too prompt or too rapid, no danger too great, no labor too wearisome, in the accomplishment of the Confederate purpose to ruin our commerce by destroying our ships and their cargoes or driving them from the ocean."

June 3,
1861

Between Cuba and the Isle of Pines, Captain Semmes overhauled his first prize, a merchant vessel named *The Golden Rocket*, and burned it on the high seas. Within a few hours he captured six more prizes and carried them into Cienfuegos (cē ěn-fwā' gōs) Bay; but Spain declared her territory

neutral, and the captured vessels were permitted to escape.

The *Sumter* had a thrilling escape from the *Iroquois* (ĩ ro kwa'), a United States gunboat that blockaded it at St. Pierre (săn pyâr) on the Island of Martinique (mar ti-nĕk'). The *Iroquois* was twice as large as the *Sumter* and waited for nine days just outside the marine league* to catch the *Sumter* when it attempted to leave. On the night of November 23, Captain Semmes made a dash to the south. A Yankee schooner at anchor near the *Sumter* gave signal of his course to the *Iroquois*. After a short run the *Sumter* doubled on its track and shot away to the north. The *Iroquois* bounded to the south. A rain-storm came on; the *Sumter* was free.

Nov. 23,
1861

Captain Semmes crossed the Atlantic, captured and burned the American bark *Neapolitan* in the Straits of Gibraltar, "in the sight of Europe and Africa, with the turbaned Moor on the one hand and the garrison of Gibraltar on the other looking upon the conflagration." He anchored in the harbor of Gibraltar. Unable to buy coal, and blockaded by three Federal gunboats, he sold the *Sumter*. It was refitted for merchant service and named the *Gibraltar*. It made a trip to the Confederate States of America and ran the blockade of Charleston. On another voyage it foundered and sank in the North Sea.

*It was against the law of nations for any act of war to be committed within three miles of shore of a neutral country. This neutral zone is called the "marine league."

3. **Cruise of the Alabama.**—The Confederate cruiser *Alabama* is the most celebrated warship in history. It was built by the Messrs. Laird & Sons at Birkenhead, near Liverpool, on the Mersey river, and it was fitted with both sails and steam. It was known at the shipyards as “Number 290.”

Sept.,
1862

The *Alabama* moved from British waters under protest from Federal officials. Near the Azores (à zorz') Captain Semmes met it with military equipment, officers and crew, which were transferred to it. In September, 1862, Captain Semmes read his commission to the sailors and launched the *Alabama* on its memorable career. By accident several officers of the *Sumter* failed to get on the *Alabama*.

Captain Semmes was a scientific and literary man, and his observations on animal and vegetable life and on winds and tides are full of interest. His knowledge of the whale and its place of living took him to the fishing-grounds of the whalers, where many vessels were captured and burned. As he himself expressed it, these vessels became “victims to the passions of man and the fury of the elements.”

He moved the *Alabama* to within two hundred miles of New York City, where he captured and burned several vessels. A lumber craft with the captains and crews of three of these vessels was sent by him into the city with his compliments to Mr. Low, of the chamber of commerce, for resolutions regarding the *Alabama*. He enjoyed the wrath of the North over his successes. The newspapers heaped abuse upon him; they falsely represented him as a cruel and merciless pirate.

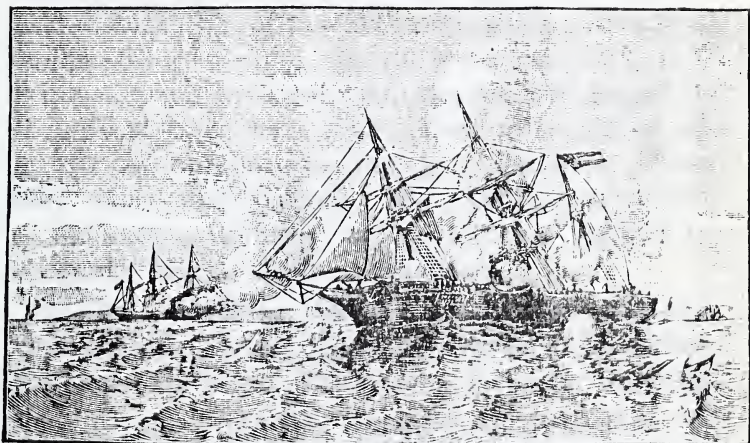
Passing into the Gulf of Mexico to cut off Federal vessels carrying troops to Texas, he met at night the gunboat *Hatteras* off the coast of Galveston, engaged it, sank it in fifteen minutes, and saved every man of the sinking ship. He made a brief visit to Jamaica, where music, good cheer, and social favors refreshed officers and men. On leaving Jamaica, the *Alabama* directed its course to the "toll gate," as Captain Semmes called the narrow strip of ocean separating Africa and Brazil.

New England skippers and Northern merchants soon awoke to realize that the *Alabama* was abroad on the seas. Stepping along "with its seven-league boots," it was burning every United States merchant vessel that it could sight. The destruction of captured vessels was necessary because the United States Government left no port to which they could be sent. It refused to concede to the Confederate States the right to dispose of them in accordance with the laws which are recognized by all nations.

The *Alabama* sailed around the Cape of Good Hope into the Indian ocean, carrying dismay into those far-off waters. No one had supposed it would venture so far, but there it was, weathering monsoons and lighting the shore of Asia with the wild flames of burning ships. Returning to the Atlantic, it kept up its work of destruction. Finally anchor was dropped in the harbor of Cherbourg (shër-burg'), France. Two days later the United States man-of-war *Kearsarge*, Captain Winslow commanding, entered the same harbor. The challenge of battle from the *Kearsarge* was accepted.

June 19,
1864

4. **Fight with the Kearsarge.**—On June 19, 1864, a bright Sunday morning, at 11:10 o'clock, the battle joined. One hour and twenty minutes later the *Alabama* went down to her resting place in the bottom of the sea not far from the spot where her elder sister, the gallant *Sumter*, was sleeping.



Sinking of the Alabama by the Kearsarge

A shell from one of the guns of the *Alabama* penetrated the stern-post of the *Kearsarge*, but did not explode, because the powder in it had been damaged by monsoons in the Indian ocean. Had it exploded, the *Kearsarge* would have been sunk instead of the *Alabama*. A section of the post with the imbedded shell was cut from the *Kearsarge*, and it is now among the curios of war in the Navy Yard Museum in Washington City. This is the only relic of the *Alabama* in the possession of the United States.

Captain Semmes hauled down his colors as the *Alabama* began to sink, but the *Kearsarge* continued to fire. He sent his wounded in boats to the *Kearsarge*. Captain Winslow was not prompt to send relief, and permitted ten of the *Alabama's* men to drown. More would have drowned but for the assistance given by a French pilot-boat and the *Deerhound*, which was the steam yacht of Mr. Lancaster, an English gentleman. At the last moment Captain Semmes threw his sword into the sea, and leaped in with First Lieutenant Kell. They were picked up by the *Deerhound* and carried to England, where they were well treated. The English presented to Semmes a beautiful new sword and refused to surrender him to Captain Winslow.

5. The "Alabama Claims."—After the war the United States charged England with having violated the neutrality laws. The reasons given for bringing these charges were that England had permitted the *Alabama* and other Confederate cruisers to be built in English shipyards and to sail from English ports. The conference of nations which tried the case met at Geneva, Switzerland, in 1872. In settling the "Alabama Claims," as they were called, the Geneva Conference decided that England should pay the United States \$15,000,000. This amount represented the damages which were thought to have been inflicted on the United States commerce by the *Alabama*, under Captain Semmes, the *Shenandoah*, under Captain Waddell, and other Confederate cruisers.

6. Services on Land.—Captain Semmes returned to the Confederate States, was made admiral, and put in command of the James river fleet. When the Confederates were forced to leave Richmond, he blew up his fleet and made landsmen of his “jackies.” He carried them by train to Danville, where he formed a brigade and surrendered with General Johnston in North Carolina.

Admiral Semmes was arrested by order of Gideon Welles, the secretary of the navy, and imprisoned for four months in the Marine Barracks in Washington. He was released without trial.

7. Later Life.—Admiral Semmes was elected probate judge of Mobile county, but President Johnson refused to let him serve. He then took up the practice of law, and passed his remaining years among beloved friends and in civil pursuits. He died August 30, 1877, at Point Clear. His remains rest in the Catholic cemetery near Mobile.

Aug. 30,
1877

During the day of his burial “tributes of respect were everywhere to be seen in Mobile. From the consular office, from the boats, from the shipping in port, drooped the flags at half-mast. Every half hour from sunrise to sundown the cannons’ boom echoed over the mourning city. The noble spirit was gone. His memory is dear to all.”

In honor of the memory of Admiral Semmes, his birthday, September 17, has been chosen by Alabama Division, United Daughters of the Confederacy, for their special day to bestow crosses of honor on Confederate veterans.

8. **Writings.**—Semmes was the author of *Service Afloat and Ashore during the Mexican War*, *Campaign of General Scott in the Valley of Mexico*, and *Memoirs of Service Afloat during the War between the States*—books delightfully interesting in style and full of valuable history.

SUMMARY

Raphael Semmes, of Maryland, entered the navy at an early age and served during the War with Mexico. He offered his services to the Confederacy and was placed in command of the *Sumter*. With this vessel and the *Alabama*, which he afterwards commanded, he virtually destroyed the ocean commerce of the United States. In 1864, the *Alabama* was sunk by the *Kearsarge*. Semmes returned to the Confederate States and was given the rank of admiral. After surrendering with General Johnston in North Carolina, he was imprisoned by the Federal authorities. After the war he practiced law in Alabama. He is the author of several notable books.

QUESTIONS

1. Sketch the early life of Raphael Semmes.
2. On what mission was he sent by President Davis?
3. Narrate the incidents of the cruise of the *Sumter*.
4. Give an account of the building, launching, and arming of the *Alabama*.
5. Sketch the cruise of the *Alabama*.
6. Describe the fight with the *Kearsarge*.
7. What were the "Alabama Claims," and how were they settled?
8. What services did Semmes render to the Confederacy after the *Alabama* had been sunk?
9. What did he do after the war?
10. Name the books written by him.



Miss Emma Sansom

CHAPTER XIX

MISS EMMA SANSOM

(1847-1902)

1. Federal Plans.—In the spring of 1863, the Army of the Cumberland under General Rosecrans lay in Murfreesboro. General James A. Garfield, who afterward became President of the United States, was General Rosecrans's chief of staff.

At Rock Run in Cherokee county was a furnace that supplied quantities of iron to the Confederate government. General Garfield felt sure that it could be captured and destroyed together with the line of railroad and the Confederate supplies about Rome,

Georgia. Colonel Abel D. Streight was selected to lead the raiding force of about two thousand picked cavalymen. General Garfield was in high glee, counting upon nothing but the success of his plans.

Colonel Streight and his troops started from Tusculumbia. They passed Mount Hope in Lawrence county on April 27 at the time when Forrest and Roddy were preparing to contest the advance of the Federals under General Dodge. The next day Dodge's forces were repulsed at Town Creek.

Apr. 27,
1863

2. Streight Attacked by Forrest.—General Forrest, "the Wizard of the Saddle," heard of Streight's advance through the mountains, guessed his purpose, and began pursuit. A little after midnight in the morning of April 29, Forrest left Courtland. About the same time Streight was passing out of Moulton, sixteen miles away. Early on the morning of April 30, he was overtaken and attacked by Forrest. In the terrific skirmish battle that followed, the Federals, who had secured the better position, succeeded in capturing two pieces of artillery.

Streight retreated into Blount county, knowing that Forrest would attack again as soon as the main body of his troops could catch up. The Federals scattered along the route of their retreat much booty and baggage. As night came on they had to fight again. Forrest recovered the two pieces of artillery, which they had captured in the morning, and drove the Federals towards Blountsville.

3. The Pursuit.—At Blountsville Streight discarded his wagons and packed a portion of his baggage on mules that he might move the faster. He

fired his wagons, but Forrest came up in time to save much of the abandoned stores. Then began a constant running fight, Streight trying his best to get away, and Forrest determined to capture him and his whole command. Streight succeeded in crossing the Warrior river at Rocky Ford, but several captured pack mules and dead Federals showed how hotly Forrest was pursuing.

The Confederates were tired and stopped to rest. While in camp two young girls, carrying three guns, leading three horses, and guarding three Federal prisoners, came up. A horse was given to each of the girls, and they both went home in delight with their steeds and the story of their soldier experience.

4. Forrest Guided by Emma Sansom.—At Black Creek, a mile or so west of Gadsden, Forrest found the bridge on fire and guarded by Federal sentinels. Streight had crossed. The creek was swollen. Mrs. Sanson, a widow living near, accompanied by her daughter, Miss Emma, a girl of sixteen summers, had gone toward the bridge to put out the fire. They discovered Federal pickets on guard and were returning home when Forrest met them and inquired about the crossings of the creek. Miss Emma offered to guide him to a ford. Her mother objected, but the brave girl insisted, and, climbing up on the corner of a fence, she leaped behind Forrest and started with him to the ford. Shot and shell were soon flying all about them.

When they approached the ford in the creek, they dismounted. Miss Emma stepped in front of Forrest and spread out her skirts to protect him, believing

that the Federals would not fire on a girl. Forrest, however, would not consent to this. "Excuse me, Miss," he said; "I am glad to have you for a pilot, but I am not going to make breastworks of you." A volley of muskets sent a bullet through her skirts, when she exclaimed, "They have only wounded my



Noccalula Falls (sometimes called Black Creek Falls)

dress," and waved her bonnet at the Federals. The brave fellows discovered her and sent her a round of cheers, ceased firing, and permitted her to get out of the reach of danger.

5. Capture of Streight.—Miss Sansom's heroic assistance helped the Confederates to get across the creek promptly and continue the hot pursuit. On

May 3,
1863

the morning of May 3, Forrest overtook Streight at Lawrence in Cherokee county. Forrest had only about six hundred men, but he boldly demanded an immediate surrender. By skilfully placing his troops and giving orders to imaginary forces, he outwitted and captured Streight with fourteen hundred and sixty-six men and sent them to Richmond over the very road they had come to destroy. When Streight learned of Forrest's actual strength, he said, "I am sold."

The next day Forrest captured Colonel Russell and two hundred and thirty men, whom Streight had sent forward to seize the bridge across the river at Rome.

Streight's purpose to destroy all public works and to burn the city of Rome would have been accomplished if Miss Emma had not piloted the Confederates to the ford, and thus, as General Forrest himself said, "facilitated pursnit by at least two hours."

Aug. 22,
1900

6. Marriage and Death.—Miss Sansom afterward married Mr. C. B. Johnson. She lived for many years in Calloway, Texas, and died there August 22, 1900, a widow and the mother of several children.

1899

7. Testimonial From Alabama Legislature.—As a testimonial of appreciation of her heroic service, the legislature of Alabama in 1863 voted her a gold medal and a section of land. This land was sold for Confederate money, which was soon worthless. In 1899, by a vote almost unanimous, the legislature again donated to her a section of land; but as all the State lands have been used for other purposes, the

legislature will probably give her heirs the equivalent in some other form.

8: Extract from the "Ballad of Emma Sansom."—John Trotwood Moore has vividly described the incidents of this chapter in his beautiful *Ballad of Emma Sansom*. One stanza reads:

"Do you wonder they rode like Romans adown the winnowing
wind,
With Mars himself in the saddle and Minerva up behind?
Was ever a foe confronted and captured by such means
Since days of old and warrior bold and the maiden of Orleans?"

SUMMARY

General Garfield sent Colonel Streight with a large force through northern Alabama to destroy Confederate furnaces and railroads. The Federal force was soon attacked, defeated, and pursued by General Forrest and his men. With the assistance of Miss Emma Sansom, who guided Forrest to a ford across Black creek, the retreating Federals were overtaken and forced to surrender. As a testimonial of her services, the Alabama legislature voted her a gold medal and a section of land. She died in Texas in 1900.

QUESTIONS

1. What plan of campaign was proposed by General Garfield in 1863?
2. Give an account of the fight between General Forrest and Colonel Streight.
3. Describe the pursuit of the Federals.
4. What service was rendered by Miss Emma Sansom?
5. Narrate the incidents of her ride with Forrest.
6. Describe the capture of Colonel Streight.
7. To whom was Miss Sansom married?
8. When and where did she die?
9. In what way did the legislature reward her?
10. Recite the lines from the *Ballad of Emma Sansom*.



General Joseph Wheeler

CHAPTER XX

GENERAL JOSEPH WHEELER

(1836-1907)

1. **Popularity.**—Just after the fall of Santiago, it was said that if a congressman-at-large had to be elected by vote throughout the States of the Union, General Joseph Wheeler would be the popular choice by a large majority. This was a high compliment and one well deserved, for General Wheeler had a career that well illustrates the chivalry of the American soldier.

Sept. 10,
1863

2. **Early Life.**—Joseph Wheeler was born in Augusta, Georgia, September 10, 1836, and was

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graduated at nineteen years of age from the West Point Military Academy. After spending a year at the cavalry school for practice at Carlisle, Pennsylvania, he was transferred to New Mexico as lieutenant of a cavalry company.

3. Colonel of Infantry Regiment.—In April, 1861, he resigned his commission in the Federal army and cast his fortune with the Southern Confederacy. He was the first colonel of the nineteenth Alabama regiment of infantry and was almost continuously engaged in battle from the beginning to the end of his service for the Confederate cause.

1861

At Shiloh, Pittsburg Landing, on the Tennessee river, in one of the bloodiest and most desperate battles of the war, he checked with a single brigade the right wing of the Federal army. After the battle had been going on for an hour, he led his troops into the Federal lines, and cut off and captured General Prentiss and twenty-two hundred of his men. When the Confederates were forced to retire from Shiloh and Corinth, he prevented the enemy from pressing the retreating forces.

He was everywhere the ideal soldier—quick, cool, brave and determined. He won from every superior officer with whom he came into contact the praise due the gallant in war.

4. Cavalry Commander.—Colonel Wheeler was transferred to the command of cavalry in the summer of 1862. He was well fitted for a cavalry commander. He had many troops from other States, but the majority of his men were Alabamians led by Generals William Wirt Allen, James Hagan, Moses

1862

Wright Hannon, John Herbert Kelly, and other brave officers of Alabama.

Colonel Wheeler possessed so much energy and skill, and was so active and watchful, that he rarely failed in any plan he formed. He foiled Buell at Mumfordsville and enabled General Bragg to capture the town and four thousand Federal prisoners. He struck the rear of General Rosecrans's army at Murfreesboro and led his troops over every opposition, sweeping from his path infantry, cavalry, and artillery. Because of his dash and bravery in this battle he was made a major-general. At Chickamauga he hurled his command against the Federal right and center with such effect that the "blue-coats" thought that Longstreet's corps was upon them.

5. A Daring Cavalry Raid.—After the battle of Chickamauga, General Wheeler used his cavalry to carry out a plan against the Federals that for daring and success was hardly equalled during the war.

Rosecrans's depot of supplies was at Bridgeport in Alabama, while his army was encamped at Chattanooga. One of the two routes that connected these places lay along the north bank of the Tennessee river and the other through the Sequatchee (*se kwäch'e*) valley. The one by the river bank was shortest, but it was cut out of the mountains that skirted along the river and could not be travelled by troops, because they would be subject to fire from the Confederates. The Sequatchee route was guarded by the cavalry of Burnside to the east and that of Crook to the west. Burnside with four thous-

and men was on the south near the place at which Wheeler wished to cross the Tennessee river. Crook was on the north, guarding the ford with three thousand eight hundred cavalry and a battery of artillery.

Wheeler with less than four thousand men attacked Burnside and drove him to Loudon. Then he marched back to the ford, and in the blaze of Crook's fire crossed the river, routed Crook, and captured seven thousand mules and twelve hundred wagons full of ammunition and provisions. Pushing on to McMinnville he captured fifteen hundred prisoners, took possession of railroads and bridges, and destroyed all of the supplies of General Crittenden's corps.

For ten days his cavalry remained north of the Tennessee and so crippled Rosecrans that he was unable to move his army from Chattanooga. Rosecrans's supplies were cut up, and his army put on starving rations. The Federal cavalry tried hard to overtake General Wheeler, but he kept out of the way, except when he wished to fight. Two or three Federal generals would sometimes press him for battle, but he would hold them at bay until night came on; then he would slip away, attack some place that was not expecting him, and capture it before help could be had.

General Grant succeeded General Rosecrans in command of the Federal forces at Chattanooga. His first telegram to General Thomas was to hold Chattanooga at all hazards. Thomas replied, "We shall hold until we starve to death." From this telegram

it can be understood how successful Wheeler had been in destroying the supply trains and depots of the Federals. The Confederate Congress thanked him for this brilliant service.

6. In the Tennessee Campaign.—General Wheeler recrossed the Tennessee and went to Missionary Ridge to aid General Bragg. Passing toward Knoxville, he defeated the cavalry of Burnside, capturing batteries, trains, and prisoners. With General Pat Cleburne he checked Grant's advance from Chattanooga.

7. In the Georgia Campaign.—In 1864, General Sherman advanced into Georgia with an army of nearly one hundred thousand men. General Joseph E. Johnston opposed him with barely half that number. When Johnston made a stand behind fortifications, Sherman had men enough to attack the Confederates in front with one part of his army and to march around their rear with the other part. As Sherman had this advantage, Johnston was forced to retreat. Wheeler's cavalry took care of Johnston's rear with such skill as to preserve order and protect the supplies.

General Sherman sent Generals Stoneman, McCook, and Garrard, in command of nearly nine thousand cavalry, to destroy the railroads about Newnan, Georgia. Wheeler's cavalry, assisted by troops under Humes and Kelly, met the Federals, and after several severe battles captured General Stoneman, General McCook, five brigade commanders, and three thousand two hundred soldiers, with the horses, arms, equipments, artillery, and wagon-trains.

July 28
to
July 30,
1864

A few hundred Federals, thoroughly demoralized, escaped to Sherman's main column. Colonel Brownlow was barefooted when he reached camp and reported to General Sherman, who was much grieved by the loss of his cavalry. The Federals tried to make it appear that the Confederates had overwhelming forces of infantry and cavalry, but this is not true. The Confederate cavalry, General Wheeler said, "was hardly one-third of the Federal forces; and the number of prisoners captured exceeded the entire Confederate force."

After capturing Atlanta, Sherman marched on through Georgia into the Carolinas. He had to keep his men and trains close together, for Wheeler was quick to discover and to attack any unprotected trains. Macon and Augusta were saved by his tact and presence.

8. Commended by President Davis.—President Davis, writing of Sherman's march, used this language:

"It was in compact column and advancing with extreme caution, although opposed only by detachments of Wheeler's cavalry and a few hastily formed regiments of raw militia; but no formidable opposition was made except at the railroad bridge over the Oconee, where Wheeler, with a portion of his command and a few militia, held the enemy in check for two or three days. With a small force General Wheeler daringly and persistently harassed, and, when practicable, delayed the enemy's advance, attacking and defeating exposed detachments, deterring his foragers from venturing far from the

main body, defending cities and houses along the railroad lines, and affording protection to depots of supplies, arsenals, and other important government works. The report of his operations, from November 1 to December 20, displays a dash, activity, vigilance, and consummate skill which justly entitle him to a prominent place on the roll of great cavalry leaders. By his indomitable energies, operating on all sides of Sherman's columns, he was enabled to keep the government and commanders of our troops advised of the enemy's movements, and, by preventing foraging parties from leaving the main body, he saved from spoliation all but a narrow tract of country, and from the torch, millions' worth of property which would otherwise have certainly been consumed."

9. Services in the Carolinas.—General Wheeler received the thanks of the State of South Carolina for his defense of Aiken. A week before the close of hostilities the fifty-first Alabama cavalry regiment, under his command, captured the first Alabama United States regiment.

At Averysboro General Wheeler was in battle; at Bentonville he drove back Sherman's right from Johnston's line of retreat.

Apr. 29,
1865

10. Farewell Address.—On April 29, 1865, he addressed this farewell to his command:

"GALLANT COMRADES: You have fought your fight; your task is done. During a four years' struggle for liberty you have exhibited courage, fortitude, and devotion. You are the sole victors of more than two hundred severely contested fields; you have participated in more than a thousand conflicts of arms;

you are heroes, veterans, patriots; the bones of your comrades mark the battlefields upon the soil of Kentucky, Tennessee, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Mississippi; you have done all that human exertion could accomplish. In bidding you adieu, I desire to thank you for your gallantry in battle, your fortitude under sufferings, and devotion at all times to the holy cause you have done so much to maintain. I desire to express my gratitude for the kind feeling you have seen fit to show toward myself, and to invoke upon you the blessing of our Heavenly Father, to whom we must always look for support in the hour of distress.

“Brethren in the cause of freedom, comrades in arms, I bid you farewell.

J. WHEELER.”

11. Later Life.—After the war, General Wheeler settled in Lawrence county, Alabama, and engaged in merchandising, farming, and the practice of law. He was true to his friends, generous to everybody, and the very soul of popularity. In 1882, he was elected to Congress and served continuously in that high office for eighteen years.

1882

President McKinley appointed him a major-general in the Spanish-American War, and at El C  ney his advice saved American arms from defeat and inspired the advance until Santiago fell. He saw brief service in the Philippines, and died a retired brigadier-general of the army of the United States. He was buried in Arlington Cemetery, and over his remains is the highest monument in that national burying-ground.

1898

1906

SUMMARY

Joseph Wheeler, a Georgia graduate of West Point, commanded a brigade at Shiloh and checked the advance of the right wing of the Federal army. Transferred to command of cavalry, he planned and executed one of the most daring cavalry raids of the war. He served with distinction in the campaigns in Tennessee, Georgia, and the Carolinas, and dismissed his troops with a touching farewell address. After the war he settled in Alabama, served in Congress for eighteen years, was a major-general in the Spanish-American War, and died a brigadier-general of the United States army.

QUESTIONS

1. How was General Wheeler regarded by the people at the close of the Spanish-American War?
2. Give an account of his early life.
3. What did he accomplish at the battle of Shiloh?
4. Why was he made a major-general?
5. Narrate the incidents of his daring cavalry raid.
6. What services did he render in the Tennessee campaign? In the Georgia campaign?
7. What did President Davis say about him?
8. What did General Wheeler accomplish in the Carolinas?
9. Give the substance of his farewell address.
10. Sketch his life after the war.

CHAPTER XXI

MOBILE DURING THE WAR

1. **Loyalty of Its Citizens.**—When the War between the States came, Mobile companies promptly left for the armies of the Confederacy. Its hospitals were all that skilled surgeons and loving women could make them. Its fortifications were among the last to admit the downfall of the Confederate States. Its military record on land and sea is bright with deeds of patriotism and bravery.

John Newland Maffitt, in the *Oreto* (afterward the *Florida*), ran the Federal blockade into Mobile Bay. When his sick men and battle-shelled vessel were ready for active service, he again passed the blockade lines and began his career of naval successes, cheered by the loyal support of the citizens of Mobile.

2. **Battle of Mobile Bay.**—On August 5, 1864, Admiral David Glasgow Farragut, assisted by a powerful land battery, moved his fleet into Mobile Bay. He had four ironclad monitors and fourteen steamers which carried one hundred and ninety-nine guns and twenty-seven hundred men. To oppose him were the Confederate forts and torpedo lines, and Admiral Franklin Buchanan with the ironclad *Tennessee* and three wooden gunboats which carried twenty-two guns and four hundred and seventy men.

At the opening of the fight one of the Federal monitors, the *Tecumseh*, was blown up with one hundred and twenty men. As his vessels hesitated to

Aug. 5,
1864

advance, Admiral Farragut stationed himself in the rigging of his flagship, the *Hartford*, and led the attack on the *Tennessee* until that vessel was captured. His victory made him master of the Bay. Fort Gaines fell on August 8, and Fort Morgan surrendered fifteen days afterward.

Aug. 8,
1864

Admiral Farragut pronounced the battle of Mobile Bay "one of the fiercest naval combats on record."

March,
1865

3. Capture of Mobile.—In March, 1865, General Canby started from Fort Morgan with thirty-two thousand Federal troops to invest Mobile. He was opposed by three Confederate brigades—Gibson's Louisianians, Ector's North Carolinians and Texans, and Thomas's Alabama Reserves. The latter were relieved by Holtzelaw's brigade from Blakeley. The whole force was less than four thousand men.

Apr. 1,
1865

Although mire and water helped to check the advance of the Federals, they approached nearer day by day to Spanish Fort and batteries Huger (yōō jee') and Tracy, which were defended by the Confederates. The doomed Spanish Fort fell.

Apr. 8,
1865

General F. Steele marched from Pensacola with nearly fifteen thousand men, destroyed railroads, and burned all public property about Pollard. He stormed and captured Blakeley. The garrison of thirty-five hundred Confederates under General Liddell defended gallantly, but were unable to save the town. This was April 9, the same day on which General Lee surrendered at Appomattox. Batteries Huger and Tracy fell two days later.

Apr. 12,
1865

General D. H. Maury was then in command at Mobile. When he saw the forts of its defense fall,

he evacuated the city. The Federal general, Gordon Granger, took immediate possession.

4. Federal Occupation.—The presence of the Federals caused the negroes to act and dress as if it were a holiday. Like children, they put on all the gaudy attire they could find to celebrate the beginning of their freedom.

Federal officers and soldiers found no welcome in Mobile. The homes were in sorrowful quiet. The ladies and gentlemen kept themselves in seclusion, both because of the sadness in their hearts for the downfall of the Confederacy and because of the throngs of negroes and Federal troops.

Bishop Richard Hooker Wilner continued the Episcopal service as prescribed by his church, praying for the President of the Confederate States. General Thomas, the Federal commander, ordered him to refrain. The good bishop refused and was imprisoned. His church was closed, but he held to his position, denying all authority to dictate his prayers for the United States government. He said that he had no prayers for the power that had brought wreck and ruin on his people. He was finally released by order of President Johnson.



Bishop R. H. Wilner

Early in the afternoon of May 25, 1865, the whole city was jarred as if by an earthquake. The acci-

May 25,
1865

dental fall of a loaded shell, or some other carelessness on the part of the Federals, produced a terrific magazine explosion. Thirty tons of gunpowder and a large amount of assorted ammunition were stored in the magazine. Three hundred lives and nearly a million dollars' worth of property were destroyed.

5. Return of Peace and Prosperity.—The return of peace threw into the city immense cotton supplies. The people at once entered upon business. Farmers and merchants strove to restore the prosperity that blessed the country before the war. Hundreds of thousands of bales of cotton were stored in the warehouses of Mobile. Agents from Liverpool and other manufacturing centers paid high prices for cotton, the kingly staple of the South. Schools and churches were reopened.

The reconstruction measures of Congress gave serious annoyance to the people of Mobile. Political troubles pressed more heavily on it than on other cities of the State, because it had greater commercial interests. During reconstruction times a heavy debt was heaped upon the city; corrupt politicians in charge of city offices made dishonest use of the public money, and subjected the citizens to misrule of the worst kind. Though these conditions lasted several years, the spirit of the people and the growth of trade could not be checked. With the return of good government, confidence was restored and the city began to enjoy an era of peace and prosperity.

As the only Gulf port of the State, Mobile will not likely lose its importance. Work on the Panama Canal has added new life to the city's business, and

with the completion of this great inter-ocean route Mobile will reap largely of commercial benefits.

6. Distinguished Mobilians.—The city has many beautiful buildings, public and private, and is noted for men successful in business and distinguished in professions. It has furnished one judge of the supreme court of the United States—John A. Campbell; five judges for the supreme bench of Alabama—Abner S. Lipscomb, Henry Hitchcock, Arthur F. Hopkins, Henry Goldthwaite, and Edmund Spann Dargan. The bar is honored by the names of Toulmin, Smith, Manning, Chandler, Semmes, Dunn, Anderson, Taylor, Clarke, Hamilton, and a host of others. Drs. Nott, Gilmore, Gaines, Ketchum, Mastin, Owen, and others dignify its history in surgery and medicine. Thaddens Sanford, A. B. Meek, John Forsyth', Jones Mitchell Withers, Charles C. Langdon, and Erwin Craighead have won high rank as editors. In literature many names suggest themselves, but the most prominent are Mrs. Chaudron (chō dron'), Mrs. Octavia Walton Le Vert, Mrs. Elizabeth W. Bellamy, Mrs. Augusta Evans Wilson, T. C. DeLeon, Peter Joseph Hamilton, Hannis Taylor, Father Abram J. Ryan, and A. B. Meek.

SUMMARY

The citizens of Mobile were most loyal to the Confederacy, and bravely and stubbornly resisted capture. In 1864, occurred the battle of Mobile Bay, in which the Confederate fleet was overwhelmed. In 1865, the city was besieged by a large force of Federals, and was evacuated only after the forts defending it had been taken. Its conquerors, however, found no welcome from its citizens. Soon after the war, Mobile began to prosper

as a market for cotton and as a shipping port for commerce with the world. This prosperity was checked for a time during "reconstruction." The city can boast of many distinguished men.

QUESTIONS

1. In what ways did the citizens of Mobile show their loyalty to the Confederacy? 2. Describe the battle of Mobile Bay. 3. Give an account of the capture of Mobile. 4. How were the Federals received in the city? 5. What happened to Bishop Wilmer? 6. Describe the magazine explosion. 7. Tell of the return of peace and prosperity. 8. What effect did reconstruction have on Mobile? 9. To what is the city's importance chiefly due? 10. Name some distinguished Mobilians.

CHAPTER XXII

ALABAMA IN POLITICS

(1859-1865)

1. Governor A. B. Moore.—Andrew Barry Moore's second term as governor marked the beginning of the exciting years that preceded the War between the States. In another chapter has been told his connection with the first start of the Confederacy; how he heartily supported the Southern cause, aided in the equipment of State troops, and did everything in his power to encourage the South. When the war closed he was imprisoned in Fort Pulaski, near Savannah, Georgia, along with other distinguished Southerners. Upon his release he returned to Marion and engaged in the practice of law, enjoying the esteem and confidence of his fellow-citizens.

1859
to
1861

2. Governor Shorter.—John Gill Shorter, of Barbour county, faced the difficult measures necessarily arising during the progress of the war. Some of the troublesome questions with which he had to deal related to the raising of State troops, the care of the families of soldiers, and an increase in taxation in order to pay interest on bonds and to carry on the war. These questions provoked so much discontent among the people that Governor Shorter was defeated for reelection.

1861
to
1863

3. Governor Watts.—Thomas Hill Watts, of Montgomery, had won honors in peace, and, as colonel of the seventeenth Alabama infantry, had

1863
to
1865

distinguished himself for bravery and daring under fire at Shiloh. While in camp he was informed of his appointment as attorney-general of the Confederate States. He fulfilled the duties of his high office in Richmond until called to the governorship of Alabama by the election of 1863.

Governor Watts had to deal with the same questions that had caused the defeat of Governor Shorter. In trying to solve them, he showed marked energy and ability during the gloomy eighteen months of his term of office.

As time went on, victories as well as defeats gradually lessened the fighting strength of the Confederacy. One after the other came the fall of Vicks-



Thomas Hill Watts

burg, the check at Gettysburg, the march of Sherman through Georgia, the battle of Mobile Bay, Wilson's cavalry advance through the northern and central counties, and Canby's siege of Mobile. These events prepared the public for the news of Appomattox and Greensboro. Sadness and gloom filled the

State as it realized that all the brave efforts of gallant soldiers had failed to roll back the invasion of Federals, and that it must suffer the evils that

always follow war. Governor Watts, standing bravely at the helm of State, guarded every interest as best he could, and closed his term with the surrender of the Confederate armies.

SUMMARY

During Governor Moore's second term the Confederacy was formed and the war began. The Southern cause received his hearty support. Governor Shorter, his successor, had to deal with many perplexing questions. He was defeated by Thomas Hill Watts, a distinguished Confederate officer. Under trying conditions Governor Watts guarded the interests of the State as best he could. At the close of the war he was forced to give up his office.

QUESTIONS

1. In what ways did Governor Moore aid the Confederacy?
2. Give an account of his imprisonment and after life.
3. Who was his successor, and what troublesome questions did he have to face?
4. Give a sketch of Thomas Hill Watts before his election to the governorship.
5. What events occurred while he was governor?

Period IV. Under Federal Rule

CHAPTER XXIII

RECONSTRUCTION

(1868-1874)

1. Lincoln and the South.—Unsettled conditions prevailed for several years after the War between the States. President Lincoln announced that the war would close and the Southern States would be restored promptly to their accustomed place in the Union as soon as the Southern people quit fighting.

Mr. Lincoln was assassinated by J. Wilkes Booth on the night of April 14, 1865, in Ford's Theatre, Washington city, while witnessing the production of a play. The whole country, South and North, bitterly condemned the mad deed. The North was so horrified as to believe that leading Southern men were connected with the crime.

Apr. 14,
1865

2. Capture of President Davis.—Vice-President Andrew Johnson, who succeeded Mr. Lincoln in office, offered one hundred thousand dollars reward for the capture of President Jefferson Davis. The reward was paid to General James H. Wilson and his command, who captured Mr. Davis at Irwinville, Georgia, on May 10, 1865. After two years' imprisonment in Fortress Monroe, Virginia, on the charge of treason, Mr. Davis was released without trial.

May 10,
1865

3. The "Lost Cause."—The South had suffered much. Millions of dollars and thousands of lives had been wasted to sustain the Confederacy, but the triumph of the Union arms had made all this sacrifice of no avail. The Confederacy was a "Lost Cause." The South accepted the defeat of its armies as the final settlement of the issues for which it had



Southern Scene at Close of War

gone to war, and it yielded sadly but sincerely to the necessity of submitting to whatever conditions the United States might impose. Its people took the oath to be faithful and obedient to the laws of the United States. So complete and prompt was this return to the ways of peace and business that the sincerity of the South was doubted. Now that it had laid down its arms, the North was not so sure that it ought to be allowed its place in the Union as before the war. Federal soldiers, instead of being withdrawn from the South, were scattered throughout the conquered States.

4. Johnson and the South.—President Johnson held Mr. Lincoln's kindly feeling for the South, and tried to secure "support of State governments in all their rights;" but he denied to the State the "right to renounce its own place in the Union or to nullify the laws of the Union." He advised that "all parties in the late terrible conflict must work together in harmony."

June 21, 1865 There was no civil government in Alabama after the surrender until June 21, 1865. President Johnson had given the State over to General Canby and made it subject to military rule. Some provision was necessary in order to restore the civil government. President Johnson appointed Lewis E. Parsons provisional governor, and ordered a constitutional convention which would prepare a constitution suited to the changed conditions brought by the war.

Sept. 12 to Sept. 30, 1865 **5. Constitutional Convention of 1865.**—Governor Parsons carried out the order of the President. The constitutional convention was held in the capitol, with Ex-Governor Benjamin Fitzpatrick as president. Negroes had not yet been granted the privilege of voting and holding office, and the convention was composed of white men. It abolished slavery, nullified the Ordinance of Secession, repudiated the war debt, and provided for the election of the governor and other State officers and of representatives to Congress.

6. Legislature of 1865.—The legislature met and enacted into laws the provisions of the constitution. It petitioned President Johnson to remove the Fed-

eral soldiers from the State, reminding him that the people had pledged faith to the Federal government, and would maintain order and treat the negroes justly. It also offered the State militia for use whenever the agents of the United States might deem necessary.

7. Republican South-haters.--Thaddeus Stevens, representative from Pennsylvania, and Charles Sumner, senator from Massachusetts, had become the leaders of the Republican party, and both were very bitter against the South.

Personal grievances are supposed to have inspired the hatred of these two men toward the South. Sumner, in 1856, in a speech before the senate, attacked the character of Senator Butler, of South Carolina. Preston Smith Brooks, a nephew of Senator Butler and a representative of South Carolina, two days later, found Sumner alone in the senate chamber and gave him a severe caning. A negro woman is supposed to have influenced Stevens.

Sumner, the leader in the senate, and Stevens, the leader in the house, were not pleased with President Johnson's kindly attitude toward the South. To prevent his plans from being carried out, they resolved to exclude, if possible, Southern members from their seats in Congress.

8. Reconstruction Committee.--When Congress met in 1865, Mr. Colfax, the speaker of the house of representatives, "rejoiced that from shore to shore in our land there is peace." The first move of Stevens and Sumner secured appointment of a committee of fifteen, which became so celebrated in the

dark days of reconstruction that it is known as the "Reconstruction Committee."*

The appointment of this committee was to the South "the handwriting on the wall." The resolution by which it was created meant that no senators or representatives from Southern States would be seated in Congress, and that the South would not be treated as a part of the United States. During the day of its passage, December 2, a telegram was received from Governor Parsons bearing the news that the Alabama legislature had ratified the thirteenth amendment, which abolished slavery.

Dec. 2,
1865

9. Strife Between President and Congress.—

Under the leadership of Sumner and Stevens the Republican Congress passed a number of bills which were hostile to the South. These were promptly vetoed by President Johnson, but by a two-thirds vote of Congress they became laws over his veto. One of these laws was so framed that it took from many of the best Southern whites the right to vote

*The resolution creating the committee reads:

"Resolved by the Senate and House of Representatives in Congress assembled, That a joint committee of fifteen members shall be appointed, nine of whom shall be members of the House and six members of the Senate, who shall inquire into the condition of the States which formed the so-called Confederate States of America; and report whether they or any of them are entitled to be represented in either House of Congress, with leave to report at any time by bill or otherwise; and until such report shall have been made, and finally acted on by Congress, no member shall be received into either House from any of the so-called Confederate States; and all papers relating to the representation of the said States shall be referred to the said committee without debate."

and hold office, and gave these privileges to the negroes. Congress then planned to have this law made a part of the constitution of the United States. It was framed as the fourteenth amendment and submitted to the States for ratification.

10. Alabama Under Military Rule.—The legislature of Alabama and other Southern States refused to ratify the fourteenth amendment. The States were then put under military rule, partly on account of this refusal. Alabama, Georgia, and Florida were made a military district under General John Pope, who was given authority to remove State or county officers at will. Alabama was under the immediate charge of General Wager Swayne. Soldiers were stationed in the principal towns and cities of the State. The acts of State officers had to be first approved by the military commander.

11. Constitutional Convention of 1868.—To carry out the plans of Sumner and Stevens and to force Alabama to accept the fourteenth amendment, General Pope, in 1867, ordered the registration of voters for the election of delegates to a constitutional convention. Qualifications for voting and for sitting in the convention were such that all negro men over twenty-one years of age could vote and hold office, and a great many white men were debarred. The radicals, or "Black Man's party," had charge of the convention. The laws put into the constitution were bitterly condemned by the patriotic whites.

1867

According to a ruling of Congress, a majority of those registered had to vote for the constitution before it could be put into effect. Three Republicans

were appointed to superintend the election. To defeat the constitution, a great many registered but did not vote. The number of those who voted for it was several thousand less than a majority of the registered voters. General George G. Meade, who had succeeded General Pope, reported, "The constitution fails of ratification by eight thousand one hundred and fourteen votes." When Congress met in 1868, it passed a law to fit the case, and declared the constitution ratified and in effect.

12. Carpet-baggers and Scalawags.—By the provisions of this constitution the negroes were given the right to vote and hold office, and these privileges were denied to many of the whites. Within a short time the State literally passed into the hands of adventurers, schemers, and incompetents. A vast horde of office-seekers in the South and adventurers from the North got charge of the State government. The Northern adventurers were called "carpet-baggers." The native office-seekers were called "scalawags."

13. Freedmen's Bureau and Loyal League.—The Republican Congress had passed a bill, over President Johnson's veto, establishing the Freedmen's Bureau. This Bureau was for years the real ruling power in the South. Through it food, clothing, and homes were to be given to the negroes. Its agents were scalawags and carpet-baggers, who knew little and cared less about the negroes. Love of country and its institutions did not guide them to do what was best for the interests of the people. The spoils of office were their only concern.

It was but natural that negroes should believe and follow their new friends. They had been slaves; the war made them free. They were beset by scallawags and carpet-baggers, who were the ruling members of the Black Man's party. They were frightened and flattered into politics to oppose their former masters. They were told that the Republicans were their only friends and that the Republicans only would keep them free and give them land and money. They were induced to join the Loyal League which was a secret society formed for the purpose of controlling them.

The Loyal League and Freedmen's Bureau controlled not only the negroes' vote, but their labor. So completely organized and so generally powerful were these bodies that white men had to fee their agents in order to obtain laborers on their plantations. The agents* themselves bought lands and hired negroes to move to them, using the money appropriated by Congress to pay the expenses of putting the negroes on the land.

*General Grant made a tour of inspection through the South a little while after the war. He reported that the masses of the people had accepted in good faith the new order of things, and that the agents of the Freedmen's Bureau were wasting the funds sent to it, and were not doing the things expected by the government. His report did not stop the evil. Thousands upon thousands of the millions of dollars appropriated by Congress for the Bureau to use in helping the destitute never reached the negroes or the suffering whites, but went into the pockets of the rascally agents. Many of them returned to the North rich when the Republican party was defeated in the elections and they could hold office no longer.

14. Oppression of the South.—Besides the laws already mentioned, many others were enacted to humiliate and crush the Southern people.* It was made lawful for whites and blacks to attend the same schools, and to mingle in social equality. It was even proposed in Congress that the lands be taken from the Southern whites and given to the negroes. The makers of these laws did not believe them morally right, but they wanted to lord it over the South, and to insult the former masters of slaves. No law could be trusted, because it was broken and set aside whenever it interfered with the wishes of the mean agents of a radical Congress.

15. The Ku Klux Klan.—No high-spirited people could patiently submit to such misrule and oppression. As open resistance was impossible, they too resorted to secret societies. Some of the best men in the South were members of these societies, which had such names as "The Ku Klux Klan," "The Pale Faces," and "The Knights of the White Camalias." The Ku Klux Klan soon became a widespread organization, which gradually absorbed the others of its kind.

1867

In its origin the Ku Klux Klan had no political object. It was formed in 1867 by some young men of Pulaski, Tennessee, for the purpose of amusing themselves. The mysterious name of the club and

*Richard Busteed, of New York, had been appointed by Mr. Lincoln, November 17, 1863, Federal district judge of Alabama. He took charge of the office in 1865, and for ten years lent himself and his office to the evils of reconstruction. He became so hated that he was removed from office.

the strange actions of its members aroused the curiosity of intelligent citizens, and provoked wonder and fear among the negroes. After awhile the Klan began to initiate visitors to Pulaski, and gradually it spread throughout the South. Its highest officer, the "Grand Wizard," was General N. B. Forrest, who held absolute control over the "Invisible Empire."

The members would appear suddenly at night with masked faces and flowing robes, sometimes declaring themselves to be evil spirits and ghosts, and threatening terrible punishment to all who did not follow their instructions. The couriers of the Klan were called "nighthawks," and many a negro's heart stood still as a nighthawk was seen on galloping steed bearing the swift message of the mysterious order.

It was the purpose of the Klan to do good to all classes, and to give protection to rights at a time when no other power would stop evils. In carrying out its purpose, some wrongs were no doubt committed, and good people rejoiced when the Grand Wizard, in 1869, dissolved the Ku Klux Klan—the "Konfounded Krooked Konundrum."

1869

16. Overthrow of Federal Rule.—Notwithstanding the efforts and protests of the good people of the South, the powers in control of the State governments were determined to keep in control. If the Republican party remained in power, its agents knew that they could continue to get the profit and plunder which every office-holder expected. To influence elections these agents kept the mind of the

North excited by all sorts of false reports. They were especially anxious to have the people believe that the whites were unjust and cruel to the negroes.

On the other hand, the best people of the North were beginning to understand the wrongs of reconstruction. Many soldiers of the United States army did not approve the course of affairs. These were gentlemen who knew and appreciated the condition of the conquered South. They united with the educated and honorable classes to overthrow misrule, to oust the radicals from office, and to reëstablish good, honest government.

Jan. 1.
1870

During the dark days of reconstruction the true friends of the State realized that dishonest men were using the negroes in order to keep control of the government. Consequently, General James H. Clanton and other leading spirits met in Montgomery and appealed to the negroes not to be further misled by rascally white men with false promises. This meeting in Montgomery led to the formation of the Conservative party, which afterwards took the name Democratic and Conservative party. In 1874, this party succeeded in electing George Smith Houston as governor. It also elected a majority of the general assembly. During Governor Houston's term of office, reconstruction rule came to an end, Federal troops were withdrawn, and the State began to recover from the effects of war and the evils that followed it.

SUMMARY

Mr. Lincoln, who was disposed to deal kindly with the conquered South, was assassinated. He was succeeded in office by Andrew Johnson. President Johnson offended some of the leading men of his party, and they opposed his efforts to restore order and government in the South. Led by Stevens and Sumner, Congress refused to let Southern senators and representatives take their seats in that body. This was the beginning of oppression which brought more ruin and distress than the war itself. The South was put under military control, and unjust State constitutions were forced upon the people. An enormous debt was piled up by legislatures composed of carpet-baggers and scalawags. The evils produced by the Freedmen's Bureau and the Loyal Leagues were in a measure checked by the Ku Klux Klan. Assisted by a few Northerners of character, the patriotic and intelligent people of the South finally succeeded in restoring law and order.

QUESTIONS

1. What was Mr. Lincoln's attitude to the conquered South?
2. When, where, and by whom was he assassinated?
3. What reward was offered by President Johnson, and to whom was it paid?
4. Describe conditions in the South at the close of the war.
5. What was President Johnson's attitude to the South, and by whom was he opposed?
6. Give an account of the constitutional convention of 1865; of the legislature of 1865.
7. Who secured the appointment of the "reconstruction committee," and what was the substance of the resolution creating it?
8. Give an account of the strife between President Johnson and Congress.
9. What do you understand by "military rule"?
10. By whom was the constitution of 1868 framed, and how was it forced on the State?
11. What class of men were carpet-baggers? scalawags?
12. What evils were due to the Freedmen's Bureau and the Loyal Leagues?
13. Mention some of the ways in which the South was oppressed.
14. Sketch the history of the Ku Klux Klan.
15. Give an account of the overthrow of Federal rule.

CHAPTER XXIV

THE NEGROES

1. Effects of Civilization.—The ten millions of negroes in the United States place a great responsibility on the government. In the earliest history of the country ships from Africa were unloading savage negroes upon American shores to be sold into slavery and to be schooled in the arts of peace. Whatever may have been the evils of slavery, contact with white masters and their families has been the most civilizing and uplifting influence that ever came to the negroes in all the ages. Booker Washington has said: "We went into slavery pagans, we came out Christians; we went into slavery a piece of property, we came out American citizens; we went into slavery without a language, we came out speaking the proud Anglo-Saxon tongue."

2. Master and Slave.—Business and humanity combined to make masters kind to their negroes and regardful of their welfare. The conduct of the negroes during the War between the States proves their love and devotion to the whites,—a love too strong to have grown out of bad treatment. The old slaves protected and supported the white women and children while the white men were away in the armies. There was no fear of insurrection. Masters trusted the negroes and the negroes proved equal to the trust.

The changed condition of master and slave at the close of the war was, in the main, gracefully accepted by both races. The tender ties that bound them were too strong to be broken by any orders of men or nations. The old plantation left its sweet memories in the hearts of both whites and blacks—memories so deeply implanted that the misguided



Sunday Afternoon on a Southern Plantation

efforts of politicians, pulpits, magazines, and newspapers have failed to destroy them. The affections of the older generation will hold until death, and the younger generation will not wholly forget the record and courtesies of the olden time.

The South was strictly an agricultural region, and negro labor was needful to the raising of crops. When the war closed, various methods were adopted

to induce this class of labor to remain on the farms and till the fields. Lands were rented to some; wages in cash or a portion of the crops were given to others. The white masters and former slaves were thus thrown into daily contact, and they attended to business and moved in perfect friendship despite the interference of selfish politicians and Bureau agents. Now and then some negro of bold and desperate spirit would kill or get killed, but the general good feeling usually restrained the fiercer elements.

3. The Negro Misled.—Had none but the brave soldiers of the Federal armies come to the South just after the war, it is probable that the whites and negroes would have continued to work together for common good. Most of the best soldiers, however, preferred to go to their homes and be with their families. Many of those who came South were hirelings who had nothing special to do at the North; others were not true soldiers, but men who wore the soldier's uniform and had followed the army in the hope of getting plunder. Some who did not pretend to be soldiers came with the expectation of getting rich by dishonest means. These newcomers and the agents of the Freedmen's Bureau spread reports throughout the North that the negroes were being cruelly treated in the South. They soon had the negroes joining the Loyal League and forming the Black Man's party. They even made the blacks believe that the property of the Southern whites would be divided out among them. By these methods the negroes were aroused against their former masters.

In his blindness and gladness the negro joined with those who misled him in order to get his vote. He yielded to the temptations of politics,* and expected the general government to supply his wants, to give him "forty acres of land and a mule." Idleness, vagrancy, crime, insults, injury, and threats followed.

4. Jack Turner as a Leader.—One of the most violent clashes between the blacks and the whites occurred in Choctaw county. Jack Turner, a servant of Mr. B. L. Turner, became a leader among the negroes. Discovering his popularity and influence, politicians told him that he could be a great help to their plans and that he could make money by serving them. Thus flattered and encouraged, he got into fusses with the whites and often defied the laws. He was finally brought before the courts on many charges and was in most cases convicted.

1873
to
1882

During the political canvass of 1874, Jack defied the sheriff and put himself at the head of a number of armed friends and marched to Butler, the county seat. Being met by a body of armed whites, Jack and his party scattered for safety in the creek swamp.

1874

In 1882, papers were found near De Sotoville which were said to be minutes of negro meetings

1882

*A distinguished Georgian said of the enfranchisement of the negro: "It took the Almighty forty years to train the Israelites for citizenship after their Egyptian bondage, but the United States Congress had, by securing the passage of the fourteenth amendment, assumed to convert in an instant millions of ignorant negroes into citizens of this republic."

at which Jack had presided. These papers disclosed a plot to massacre all white men, women, and children, and all Democratic and Ku Klux negroes. The papers named six others besides Jack as leaders in the bloody plot. These were all arrested.

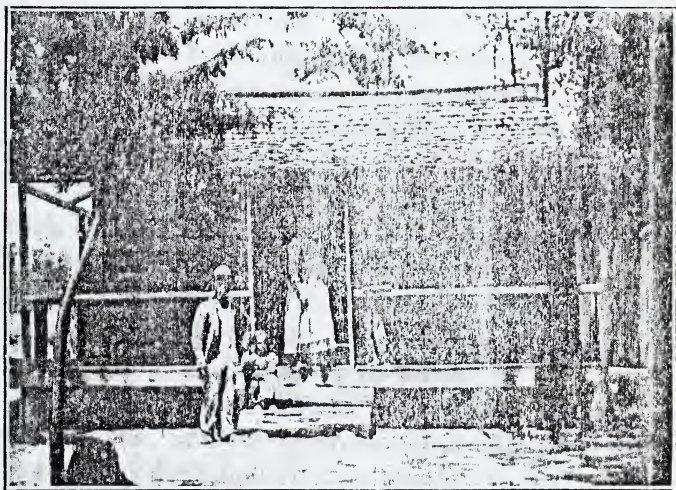
The county was aflame. A thousand men, irrespective of color, gathered at Butler in a mass-meeting, of which Captain A. J. Gray was elected chairman. The fiery speeches of Dr. Evan P. Harris and others were answered by the county solicitor, George W. Taylor, and by Captain Joseph H. Knighton, who pleaded earnestly that the law be allowed to take its course and that the negroes be granted a regular trial in court. A majority of those in the mass-meeting voted that Jack should be hanged. Prominent citizens, detailed for the purpose, brought him from the jail and hanged him to the limb of a large oak tree in front of the courthouse, in the most public portion of the village.

The other negroes were removed to the jail in Livingston. Before their trial there arose so much doubt about the character of the papers found at De Sotoville that they were dismissed without trial.

5. Booker T. Washington.—Booker T. Washington, the President of Tuskegee Normal and Industrial Institute, is one of the great negroes on the American continent. By his genius and energy he has built up at Tuskegee, in the heart of the black belt of Alabama, a school for negroes that stands a monument to his race. While giving thousands of young negroes of both sexes an education from

books, he is training them to be independent and happy by teaching them how to work with their hands.

6. Education in the South.—Since 1870 there has been spent in the South for the education of the negroes \$155,000,000, and the Southern whites have contributed \$132,000,000 of this amount. The kindly



A Typical Negro Cabin

feeling that has prompted this help for the education of the negroes shows that the Southern whites are their truest friends, and that the best home yet known for the ex-slave and his descendants is in Dixie. Nearly nine hundred thousand negroes live in Alabama, and there are over three hundred thousand negro children of school age. Schools are in reach of them all.

7. Treatment in South and North.—The South grants the negro opportunities for business to be found in no other section of the Union. It opens to him its fields, its factories, its mines, its trades, and its thousand industries, and invites and urges him to honest labor for an honest living.

In the North the negro finds himself condemned by the white laboring classes and excluded from the great labor unions. He discovers that his efforts are checked by competition he cannot meet; he is treated with indifference that he cannot understand; and he is met by conditions that forbid his enjoyment of the liberties guaranteed by the constitution.

Though occasional race troubles in the South disturb him, he has learned to value his home in Dixie. Here are to be found the highest types of his race. Vast numbers of them are thriftless and untrustworthy, but the honorable and industrious among them are devoted to business.

8. The "Race Problem."—The race problem is a serious one, and its solution cannot be foretold. It is thought by some that it would be best for both races if the negroes could be colonized in a country by themselves. Some of the leaders of each race are urging Congress to grant money enough to carry the negroes back to Africa. Such a solution, however, is not at all probable. The prevailing opinion is that here in the South, with separate and distinct development, must be solved the problem of the races.

SUMMARY

The whites and negroes were kindly disposed to one another at the close of the war. The natural impulse of the negroes was to consult their former masters and accept their advice. After they had been made citizens, adventurers from the North misled them with false promises. Idleness and crime followed, and insurrections occasionally occurred. The kindly feelings of both races outlived this trying period, and to-day there is rarely any friction between the two. Great leaders among the blacks have counselled peace and industrial progress. For the education of the negroes the Southern whites have contributed more than \$130,000,000.

QUESTIONS

1. What effect did civilization have upon slaves?
2. What relations existed between masters and former slaves just after the war?
3. By whom and for what purposes were the negroes misled?
4. Who composed the Black Man's party?
5. Give an account of the insurrection led by Jack Turner.
6. Tell of Booker Washington and his work.
7. To what extent have Southern whites helped to educate the negro?
8. Describe the treatment of the negro in the North and in the South.
9. What is the relation to-day between the two races in the South?
10. What in your judgment is the proper solution of the race problem?

CHAPTER XXV

ALABAMA IN POLITICS

(1865-1874)

1865

1. Governor Parsons.—From June to December, 1865, Lewis E. Parsons by appointment of President Johnson discharged the duties of provisional governor. He ordered the election of delegates who framed the constitution of 1865, which abolished slavery, repealed the "Ordinance of Secession," and repudiated the war debt. On December 20, Governor Parsons retired, and Robert M. Patton, of Lauderdale, who had defeated Michael J. Bulger and William R. Smith in the November election, took his seat as governor.

Governor Parsons and George Smith Houston were chosen by the following general assembly to represent Alabama in the senate of the United States, but they were forbidden their seats by the Republican Congress that conceived the measures of "reconstruction." In like manner were treated all the senators and representatives from States which had formed the Confederacy.

1865
to
1868

2. Governor Patton.—Governor Patton entered upon his term of office when the effects of the war were felt in every business, and when public opinion was much divided. Armed troops of the Federal government were ever present at the capitol, and a military commander overlooked his official acts and appointments.

The legislature of 1866 refused to ratify the fourteenth amendment to the constitution of the United States, as did the legislatures of other Southern States. This helped to unite the radicals in Congress in carrying out their plans for "reconstruction." The South was divided into districts and put under military rule. General Grant placed General John Pope in command of the district formed of Georgia, Alabama, and Florida. Alabama was placed under the control of General Wager Swayne.

The radicals, who were known as the "Black Man's party," ruled the constitutional convention of 1867, and framed a constitution odious to the respectable whites. This constitution was never legally ratified by the people, but Congress forced it upon the State. Governor Patton and other Democrats saw that it was not the right sort of a constitution, and that it would surely bring trouble and ruin to the country; but they were unable to keep it from being made the law of the land.

Governor Patton was a gentleman of fine judgment, and his thorough knowledge of political and business conditions of the times was severely tested during his term of office. The State loaned \$70,000 to rebuild Alva Woods Hall of the University, and the payment of this money, as needed in the progress of the building, was guaranteed by the Patton certificates and by the bank of J. H. Fitts.*

Nov. 5,
to
Dec. 6,
1867

*Dr. J. H. Fitts has been treasurer of the University nearly all the years since its reopening after the completion of Alva Woods Hall

1868
to
1870

3. Governor Smith.—Governor William H. Smith, of Randolph, held office during the darkest period of "reconstruction." The general assembly in session when he took the oath of office was composed of scalawags, carpet-baggers, and negroes. The same men that ruled the constitutional convention ruled the work of the general assembly. The fourteenth amendment was ratified and the State's credit was ruined by reckless expenditure of money. Bribery and corruption were charged, but no one was punished, for the court judges were in sympathy with the mean men of the times. The negroes, with defiant yells, marched about in companies to the beating of drums, knowing that the Federal soldiers would not permit the whites to stop them. Is it any wonder that in such a state of things the Ku Klux Klan should have been formed?

These events greatly strengthened the Democratic and Conservative party, and in 1870 it nominated and elected Robert Burns Lindsay, of Colbert, for governor. It also elected other State executive officers.

Governor Smith refused to surrender the office to Mr. Lindsay, claiming that frauds were practiced in the election. He secured from Chancellor Reuben Saffold an order directed to R. N. Barr, of Ohio, president of the senate, forbidding him to count the vote for governor and State treasurer, but permitting the count for other officers.

Dr. Edward H. Moren, the Democratic candidate for lieutenant-governor, was declared elected. He promptly entered the hall of representatives where

the two houses were in joint session, took the oath of office as the Republican senate withdrew, ordered the secretary of State to produce the returns for governor and State treasurer, counted them, and declared Robert B. Lindsay duly elected.

Governor Lindsay at once took the oath of office. For two weeks Alabama had two governors. Mr. Lindsay was sustained by a Democratic house of representatives and by the people, and Mr. Smith was supported by the Republican senate and the Federal soldiers. Intense excitement resulted until Mr. Smith was removed from office by order of the court.

Nov. 20,
to
Dec. 8,
1870

4. Governor Lindsay.—Governor Lindsay was a Scotchman, a graduate of St. Andrew University, and a gentleman of high moral and social qualities. He came in early manhood to Alabama, and began the practice of law in Tuscumbia. He married the half-sister of Governor Winston, and served in both houses of the general assembly.

1870
to
1872

His most praiseworthy act as governor was to take charge of the railroads that had failed to pay interest on bonds endorsed by the State. He did this to protect the State against losses, as the bondholders were demanding of the State payment for past-due interest. Other measures of reform proposed by him were checked by the Republicans who controlled the senate.

Governor Lindsay went into office warmly supported by the white people, but he did not like some of the leading Democrats and was a strong friend of some of the leading Republicans. Thomas H. Herndon, of Mobile, was the Democratic nominee for

governor in 1872, but David Paul Lewis, of Madison, the Republican candidate, was elected.

1872
to
1874

5. Governor Lewis.—Governor Lewis was a native of Virginia. He grew to manhood in Alabama, where he was honored with high public offices. He favored the Union so strongly that during the war he went through the Federal lines to Nashville, where he spent the closing year of the war.

The returns of the election in 1872 gave a majority of Democrats in the general assembly. They organized in the capitol and were recognized by Governor Lindsay. They also counted the votes of the election and declared the results. To prevent the Democrats from electing a member of their party as United States senator, the Republican members of the legislature met in the courthouse. These were joined by some of the Republican candidates for the legislature who had been beaten in the election by Democrats. Mr. Lewis recognized this body as the legislature. There were now two legislatures, a Democratic "capitol legislature" and a Republican "courthouse legislature."

Nov.
to
Dec. 17,
1872

The attorney-general of the United States and General Grant fixed up a compromise whereby the Republicans were given a majority in the general assembly. Thus Alabama was again in the hands of the radicals. There was no use for the Democrats to protest; although the compromise was unfair, the Federal troops were ready to make them submit if they refused the compromise.

The foul tricks of the Republicans in the courthouse legislature and afterwards in the capitol, and

the broken credit of the State added to the burdens of a general financial panic. The debt of the State was now \$30,037,563.

The people were so much aroused that in the next election they defeated Governor Lewis, who wanted to succeed himself, and elected George S. Houston, of Limestone county. With the defeat of Lewis came the downfall of Republican rule in Alabama. The Democrats have been in power ever since.

SUMMARY

Among the important events in the history of Alabama during Federal military rule may be mentioned the adoption of the constitution of 1865, the formation of military districts, the action of Congress in forcing on the State the constitution of 1868, the reckless expenditures of a corrupt legislature and the consequent increase in the State debt, the rise of the Democratic and Conservative party, and the election of a Democratic governor and legislature.

QUESTIONS

1. How did Lewis E. Parsons become governor, and what election did he call?
2. Who were elected United States senators in 1865?
3. Give the principal events of Governor Patton's administration.
4. Of what classes was the legislature of 1868 composed, and how was the State's credit ruined?
5. Give an account of the contest between Governor Smith and Robert B. Lindsay.
6. What was Governor Lindsay's most praiseworthy act?
7. Sketch briefly the life of David P. Lewis before he was elected governor.
8. Describe the contest for control of the legislature in 1872.
9. What was the State debt in 1874?
10. Who succeeded Mr. Lewis and to what party did he belong?
11. Name the governors of Alabama during Federal military rule.

Period V. Educational, Industrial, and Political Development

CHAPTER XXVI

THE HISTORY OF ALABAMA SCHOOLS (1800-1908)

1. **Early Interest in Schools.**—The convention which framed the first constitution of Alabama provided for the establishment and encouragement of schools. The old newspapers show the interest and care of the early settlers for the moral and educational welfare of their children. A typical announcement reads:

Feb. 26,
1820

“CAHAWBA ACADEMY.—A teacher well qualified to prepare students for admission into the Junior Class of College, and whose moral character is unimpeachable, will meet with liberal encouragement. A clergyman would be preferred. Letters addressed to Dr. W. Roberts, Dr. C. Humphries, or Dr. T. Casey will be attended to.”

Humorous advertisements now and then appeared. One teacher announced his intention of “teaching the English, Latin, and Greek languages grammatically.”

Another proposed “teaching such scholars as may be entrusted to his care, upon a plan discovered by John Lancaster of England.”

Perhaps the most ludicrous advertisement ever made of a school in Alabama appeared in a Tuska-

loosa newspaper. It announced the opening of John "Price's Threshing Machine to correct the devil's unaccountables."

2. First Schools Established.—The first English school established in Alabama limits was opened at the Boat Yard, on the Tensaw river, by John Pierce of New England. Washington Academy, at St. Stephens, and Green Academy, at Huntsville, shared the two thousand dollars appropriated for education by Mississippi Territory. St. Stephens Academy, under the direction of Rev. J. L. Sloss, the principal, had a wide reputation. Of these schools, Green Academy survived the longest. Its buildings were burned by United States troops during the War between the States. The buildings were restored, and the Academy has been merged into the public school system of Huntsville.

3. Beginning of Public School System.—Public education was attempted in Mobile as early as 1826. Ten years later the State legislature authorized Mobile "to raise by lottery any sum, not exceeding fifty thousand dollars, to complete the building known as Barton Academy, then in process of construction." In 1852, the public school system was thoroughly established in Barton Academy, and it gave such general satisfaction that it became the foundation of the public school system of the State of Alabama.

A. B. Meek, representative from Mobile, had observed the success of the system, and he introduced into the legislature a bill providing for the establishment of public schools throughout the State.

Feb. 15,
1854

The bill passed both houses, and was approved by Governor John Anthony Winston, February 15, 1854. W. F. Perry, afterward a general in the Confederate army, was the first superintendent of education of Alabama.

Willis G. Clark, of Mobile, gave years of effort to the upbuilding of Barton Academy, and lived to see it contribute nearly half a century of development and culture to the children of Mobile. His long life was continuously devoted to the school interests of Alabama, and especially to promoting the welfare of the University, of which he was a trustee for twenty-five years.

4. Need of Normal Schools.—The poverty and desolation following the war permitted very few first-class private schools. The great masses of the people were so poor that they were unable to send their children to these schools. They could hope for education only through public schools. The small appropriations of public money for many years made the public schools of short terms. The poor salaries offered did not attract the best teachers, and most of the schools had to be taught by teachers not well qualified. As a result most of the children were poorly taught, and the character and usefulness of the schools were thereby damaged. In the efforts to secure qualified teachers the need of normal schools was discovered.

5. Normal Schools Established.—To meet the demand for teachers, the State established normal schools at Florence, Jacksonville, Livingston, and

Troy. Similar schools have been established at Daphne and Moundville.

The normal schools have courses which admit students of all grades of preparation, and grant diplomas to those taking special normal training. These schools combine instruction in the art of teaching with the study of text-books, and thus are training teachers while developing students. The graduates of these schools are to be found teaching in all sections of the State.

6. Agricultural Schools.—The State has also established an agricultural school in each of the nine congressional districts. These schools now have each an annual State appropriation of \$4,500. They are giving valuable instruction about the selection of the best seeds for planting, the cultivation of crops, the character of the soil, the proper use of fertilizers, the protection of crops against insects, and the conduct of a farm so as to get the best results. The schools are also giving courses of study that prepare for business and for college.

7. Improvement of Public Schools.—The public schools have changed the educational history of the State. Public sentiment was against them at first, but they have become better and better as the years have gone by, and now all classes of people look to them as the one thing needful to every community. There are yet some very fine private schools in the State, but, except in a few of the larger towns and cities, the public schools have crowded them out.

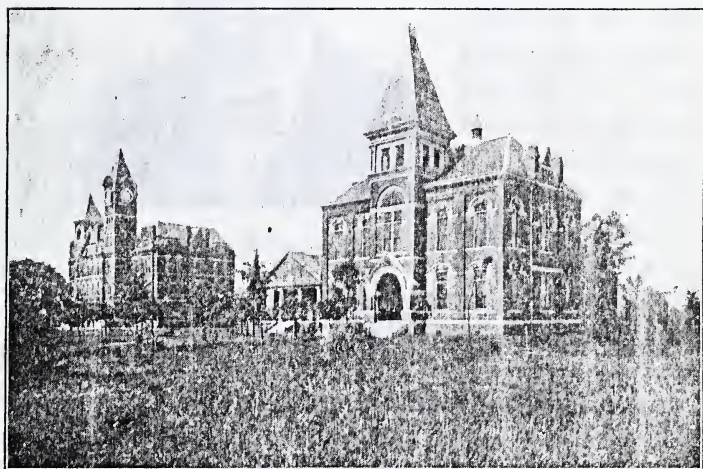
There are now more than 6,000 teachers and 700,000 children of school age in the State. The

people feel the responsibility of educating these children for citizenship. The public schools are increasing in numbers. The legislature has made large appropriations for their support, and for better school buildings and equipments. A county high school, which is to be devoted solely to high school work, has been provided for every county. The school improvement associations have joined with local committees to make school buildings comfortable, and to have schoolhouses and school grounds as pretty as conditions will allow. These things are all bringing knowledge, culture, and the love of beauty to the young. Better education, better homes, better morals, better communities are developing under the influence and work of the public schools.

8. **Polytechnic Institute.**—Population and wealth are increasing. New industries and new enterprises are calling for quickened intelligence and technical training. This demand is being met by the Polytechnic Institute at Auburn. It is one of the "land grant" colleges created by an act of Congress to support in every State one college "to teach such branches of learning as are related to agriculture and the mechanic arts." It was started in 1872 in the beautiful building of the East Alabama Male College, which had been given to the State by the Methodists.

Its first ten years under Dr. I. T. Tichenor were full of struggle. Under the presidency of the scholarly educator, Dr. William LeRoy Broun, its courses were made to take in scientific subjects never

before introduced into a Southern college. Its name at first was the Alabama Agricultural and Mechanical College; after Dr. Broun had widened its scope and put it in closer sympathy with the needs of the people, the legislature changed its name to the Alabama Polytechnic Institute. With the exception of one session (1883-1884), when Colonel D. F. Boyd



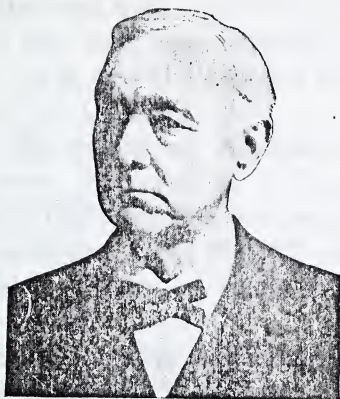
Alabama Polytechnic Institute

was in charge, Dr. Broun was president for twenty years.

In 1887, the main building was burned. The State rebuilt it and added laboratories. The Hatch Act gave \$15,000 a year to the Experiment Station. Congress and the general assembly added to its annual income, and enlarged the equipment. The number of its students has steadily increased.

1887

Aided by Dr. O. D. Smith, who bore the love of the student body and the admiration of the State,



Dr. O. D. Smith

and by Dr. Mell, Dr. Lupton, Dr. Petrie, Prof. Thach, and others, Dr. Broun made the Polytechnic Institute one of the great scientific schools of America. Since his death Prof. Charles C. Thach has been the president. He is a very scholarly man, and with an able and devoted faculty he is carrying forward the

great work of education in science and in literature.

The Polytechnic Institute is sending its graduates into the professions, to the farms, and into the trades. Its engineers hold high positions on every continent. Men from its halls are helping to develop and sustain the industries of the country.

9. Medical College.—The Medical College at Mobile began its work in 1859. Dr. Josiah C. Nott, encouraged and assisted by other earnest scientists and physicians, planned it. The college began well, but the war came on two years after its start, and its professors and students left for the Confederate army. Its doors were closed.

After the war the Federals turned it into a primary school for negroes, and so used it until 1868, regardless of the efforts of the faculty to have it

restored to its original purpose. It was badly abused by the ignorant negroes, who handled at pleasure and with utter recklessness the fine instruments that had been carefully gathered by the faculty. It is now the medical department of the University of Alabama.

10. University of Alabama.—The University of Alabama, chartered in 1821 and settled in Tuscaloosa in 1827, has had a checkered history. Its first session began April 18, 1831; its first president was Dr. Alva Woods, a learned Baptist clergyman of Rhode Island.

1821

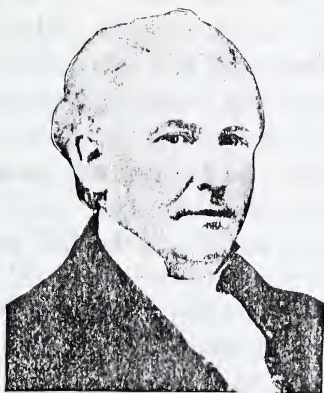
Apr. 18,
1831

The University was given 46,080 acres of land, which Congress had granted to Alabama. These lands were sold at high prices, and the amount received from the sale, if properly invested, would have given a sufficient income to pay the expenses of running the University. The money, however, was placed by an act of the legislature in the State Bank, where it was lost. As part payment of the University claims against the State, there was set aside the sum of \$300,000, upon which Alabama paid annually to the University \$24,000 in interest until the constitution of 1901 made the annual payment \$36,000. The legislature of 1907 increased this amount by \$25,000, and also appropriated \$100,000 annually for four years for new buildings and better equipments.

The University did not thrive under Dr. Woods, who, though a most learned scholar and cultured gentleman, failed to check the disorder of young students reared in this borderland of civilization.

1836 By his efforts was chartered the first female seminary of high order within the bounds of Alabama. It was then known as the Alabama Athenaeum; it is now the Tuskaloosa Female College.

Dr. Basil Manly, who succeeded Dr. Woods in office, brought new life to the University. Disorder



Dr. Basil Manly

among the students was punished so promptly and thoroughly that the new president was soon master of the situation. He lifted the standard of scholarship and made the University respected everywhere for its strong courses of study and for its able faculty. Dr. Manly lived for thirteen years after failing health closed his services with the Uni-

versity, dying in Greenville, South Carolina, in 1869.

The war period found Dr. Landon C. Garland at the head of the University. He was elected president in 1855. The military department was established in 1860, and the president and all other officers of the department formed a part of the military of the State. Colonel Caleb Huse, of the United States army, was the first commandant of cadets. He was succeeded by Colonel James T. Murfee.

Apr. 4,
1865

On April 4, 1865, General Croxton with Federal cavalry captured Tuskaloosa and burnt the University. The four hundred cadets had attempted to

defend the city; but Dr. Garland and Colonel Murfee, learning that fourteen hundred Federals were in the command, destroyed the large quantities of ammunition at the University, and marched the cadets toward Marion.

The first general assembly held after the war loaned the University seventy thousand dollars to rebuild.* Colonel James T. Murfee offered acceptable plans for the proposed new building, and was appointed architect and superintendent. George M. Figh and Dr. William S. Wyman were awarded the contract for rebuilding. Alva Woods Hall, at a cost of ninety thousand dollars, was thus erected. Governor Robert M. Patton pledged his personal credit and the credit of the State to protect contractors and creditors. Dr. James H. Fitts used all the resources of his bank to keep at par the "Patton Certificates," by which the work of rebuilding was carried forward.

The State constitution of 1868 gave to the radicals control of the University. A board of regents, composed of radicals, elected as president Judge William R. Smith. He was a gentleman of wide reputation, a scholar, and the personal friend of many distin-

1868

*The Board of Trustees was composed of Porter King, Francis Bugbee, William S. Mudd, James H. Fitts, Robert Jemison, Benjamin F. Peters, A. M. Gibson, Z. F. Freeman, Willis G. Clark, John T. Foster, Alfred N. Worthy, John C. Meadors, George S. Walden, Walter H. Crenshaw, and the ex-officio members, Governor Robert M. Patton, Chief-Justice Abram J. Walker, Associate-Justices William M. Byrd and Thomas J. Judge, and Dr. Landon C. Garland, the president of the University.

guished men of the State and of the Union. Being a member of the class of 1831, he had been identified with the University from its first opening. It was thought that he would restore confidence, but as he had joined the radicals, many of the best citizens would not commit their boys to him. These were dark days for the University and for the State.

1874
to
1878

Under Dr. N. T. Lupton, the chairman of the faculty and successor of Judge Smith, confidence and patronage began to return. His excellent work was continued by Dr. Carlos G. Smith, the president next in charge. Dr. Smith enjoyed the entire confidence of the public and filled the University with young men who held him in high esteem.

During the succeeding twenty years the presidency* of the University was held by gentlemen of the old school. They were broad-minded, able, the ideal leaders of youth, and in every sense worthy of great trusts. Under them vast improvements were made in the material equipment of the University.

1884

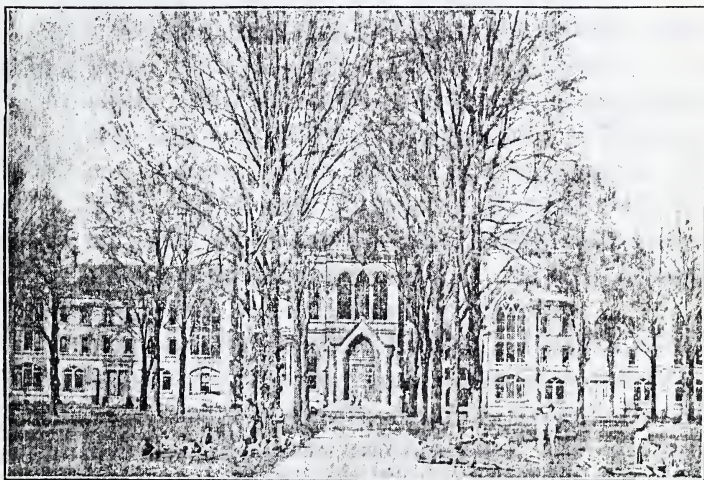
The United States Congress gave forty-six thousand and eighty acres of land as payment for the buildings burned by Federal troops. A large portion of these lands was sold, and the proceeds were used for erecting new buildings and adding to the equipment.

Despite these improvements, the University failed to gain the confidence of the people. The evils of politics were working a hurtful influence. Nearly

*The presidents were General Josiah Gorgas, 1878-79; Colonel Burwell B. Lewis, 1879-85; General Henry D. Clayton, 1885-89; General Richard C. Jones, 1890-97.

twenty years had passed since a trained teacher had filled the president's chair, and the people began to demand a change. To meet this demand, Dr. James K. Powers, who had been successful both as a teacher and as the head of the Alabama Normal College in Florence, was elected president. In his efforts to raise the standard of the University, he brought to

1897
to
1901



University of Alabama

his assistance graduates of Johns Hopkins, Princeton, and the universities of the Old World. He was succeeded by Dr. William Stokes Wyman.

Dr. John W. Abercrombie, the president next in charge, has added annually to the number of students enrolled, multiplied the courses of study, secured large legislative appropriations, united the Medical College at Mobile with the University, and established the annual Summer School for Teachers.

1902

Crippled in its infancy through the mismanagement of its funds by its agents and the State Bank, and embarrassed always by lack of sufficient income, the University has nevertheless made a deep impression upon the history of the State. Students from its halls that have attended the great universities of this continent and the Old World have ranked among the first in studies and in success in life.

11. Alabama Girls' Industrial School.—The Alabama Girls' Industrial School is located at Montevallo. The bill for its establishment was introduced into the legislature by Honorable Sol Bloch, of Wilcox county. The school was opened in October, 1896, and it soon became so popular that hundreds of girls have been denied admittance because there were not sufficient buildings. It is a great school, and every year it grows greater.

12. Denominational Schools.—Church schools and colleges have done a great deal for education. The Catholics founded St. Joseph's College in 1830, and some of the most distinguished men of the world were educated there. The Baptists founded Howard College, 1833-41, and the Judson Institute in 1839, placing both schools in Marion. Many notable men and cultured women have been graduated in these two schools. In 1887, Howard College was removed to East Lake near Birmingham. In 1856, the Methodists founded the Southern University* at Greens-

*The success of the Methodists in founding the Southern University is largely due to Rev. Christopher C. Calloway, who was the first field agent to secure cash and subscriptions for the school.

boro and the Alabama Conference Female College at Tuskegee; they also control Athens Female College, the Birmingham College, and the Woman's College in Montgomery. The Alabama Central College, in the splendid old State house at Tuskaloosa, is a noted school for girls; it is under Baptist control. The Presbyterians have their Alabama Presbyterian College for Men in Anniston and their Synodical College for Women in Talladega. All of these institutions are doing excellent work.

13. Dr. Henry Tutwiler.—Henry Tutwiler was born November 16, 1807, in Harrisonburg, Virginia. He was among the first students* enrolled in the University of Virginia, and was graduated from that institution.

Nov. 16,
1807

He accepted the chair of ancient languages in the University of Alabama upon its opening, and from that time devoted his life to the education of the young men of Alabama. He resigned the chair in the University in 1837, and taught mathematics in Marion College and in LaGrange College.

1831
to
1837

He organized Greene Springs School, the most noted and influential private school in the State. He was said to be a whole faculty in himself. He had a thorough knowledge of both literature and sci-

1842
to
1851

*R. M. T. Hunter, Robert Toombs, Gessner Harrison, Edgar Allan Poe, Alexander H. H. Stuart, and others known to fame were Mr. Tutwiler's fellow-students. Thomas Jefferson often had him as a welcome guest at Monticello. George Long, the English educator and historian, John P. Emmet, a nephew of the Irish patriot, and other masters in the University chairs, were his friends.

ence.* He kept abreast with the progress of the world. Several times he refused the presidency of the University of Alabama, preferring to give his labors to the independent work of his own school. No college in the South furnished more delightful or more inspiring courses of study than were given in his school at Greene Springs.

Simple in habits and nature, Dr. Tutwiler was too great to be ambitious. Never but once did he con-



Dr. Henry Tutwiler

sent to lend his name for nomination to a State office. This was for State superintendent of education in 1878. He was shocked and astonished when he learned that to win he would have to travel over the State and make speeches. He thought the office of superintendent of education ought to be above politics. He would not make

speeches in his own behalf, and he was not elected.

Great as was his learning, Dr. Tutwiler was yet

*In 1866, Dr. Tutwiler discovered the new star, *Coronae Borealis*, and reported his discovery to Professor Joseph Henry, of the Smithsonian Institution, to Professor Stephen Alexander, of Princeton, and to other gentlemen connected with scientific institutions; but as the star was discovered on the same night by another American, a Northerner, and by two Europeans, the records have never given Dr. Tutwiler due credit for his discovery.

greater in character, and through it has left the deeper impressions upon the age. Everybody loved him, and even to this day many prominent men throughout the Southern States speak reverently and affectionately of his influence over them both in the days when they attended his school and in all the years that have since followed. He died September 22, 1884.

Sept. 22,
1884

14. Miss Julia Tutwiler.—Dr. Tutwiler's spirit lives in his family. His daughter, Miss Julia Strudwick Tutwiler, who is president of the Alabama Normal School at Livingston, has done more than any one else for the education of the girls of Alabama. She has used every possible influence to have the legislature appropriate money for the benefit of boys and girls alike. She has helped to open the doors of the University and the Polytechnic Institute for the admission of women. She has given to scores of girls the opportunities of education, often lending



Miss Julia Strudwick
Tutwiler

the necessary money to worthy girls whose parents could not afford the expense of their education.

14. Other Distinguished Teachers.—Among the teachers who have nobly assisted in the cause of education in Alabama may be mentioned Bishop Robert Paine, of LaGrange College; Mrs. Stafford and her scholarly husband, who made the Alabama

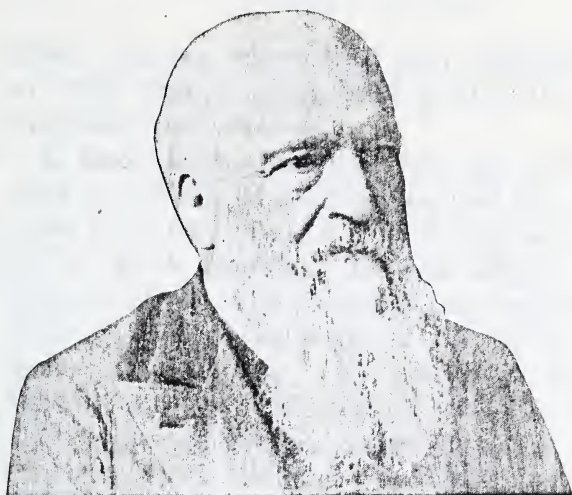
Female Institute, of Tuscaloosa, a real seminary of learning; Colonel James T. Murfee, for many years the able president of Howard College; Dr. John Massey, who, after spending a few years of his young manhood in preparing students for college, became the president of Alabama Conference Female College at Tuskegee; and Dr. Thomas J. Dill, who after years of work in private and public schools, filled with much success the chair of Latin and Greek in Howard College.

SUMMARY

In the early times there were in Alabama a number of private schools. A system of public schools organized in Mobile produced such good results that by an act of the legislature in 1854 the system was extended throughout the State. To meet the demand for better teachers, normal schools have been established. In each congressional district there is an agricultural school. The work of the public schools is supplemented by excellent courses of study at the Polytechnic Institute, the University, the Girls' Industrial School, and at the denominational schools.

QUESTIONS

1. In what ways was interest in schools shown by early settlers?
2. Name some of the first private schools that were established.
3. Give an account of the beginning of the public school system.
4. What caused the establishment of normal schools, and where are they located?
5. How many agricultural schools are there, and what work are they doing?
6. Describe the improvement in the public school system.
7. Sketch the history of the Polytechnic Institute; the Medical College; the University.
8. Name some of the principal denominational schools.
9. Give a sketch of Dr. Tutwiler; of Miss Julia Tutwiler.
10. Name other distinguished teachers that have assisted the cause of education in Alabama.



Seth Smith Mellen

CHAPTER XXVII*

PROFESSOR SETH SMITH MELLEN (1821-1893)

1. Influence of Great Teachers.—In all ages great teachers have been very influential in moulding national character. Socrates taught Plato, Plato taught Aristotle, Aristotle taught Alexander, and Alexander conquered the world.

This country has been peculiarly blessed by having the learned scholars of the older States to educate its boys and girls. These in turn have passed into

*The author gives this chapter as a typical illustration and description of the old private academies, as well as a tribute to the memory of a distinguished teacher.

newer sections, where they have implanted lessons of truth and morality, and guided the youth to knowledge and success.

Feb. 7,
1821

2. Early Life.—Professor Seth Smith Mellen was born in Pelham, Massachusetts, and was graduated from Williams College in 1843 during the presidency of Dr. Mark Hopkins. He was deeply impressed by the sentiments and spirit of that remarkable educator. Leaving the home of his birth, he began teaching in Georgia. He afterward removed to Pierce's Springs in Mississippi, where he taught for many years, and won a reputation as a scholar, a Christian gentleman, and a successful instructor and guide of youth.

3. Pierce's Springs School.—His Pierce's Springs School was established on the English boarding-plan. The boys were taken into his home, and formed a part of his family. They gathered about him after the lessons and sports of the day to share in social conversation, to receive his advice and blessings at evening prayers, and to devote at least two hours to the preparation of the lessons for the next day.

Pupils committed to his care had the advantage of the boundless woods for hunting, the clear streams for swimming and fishing, the quietude of country for study, native fruits of woods and orchards, plenty of wholesome food, pure drinking water, a scholarly teacher, and his devoted Christian wife. All of these things contributed to "the harmonious development of the body, soul, and brain" of his pupils. The boys loved him, and when they returned

to their homes after a session in the school, their homelinks and friends could understand that a great master had been forming their habits and training their minds.

4. Removal to Mount Sterling.—During the summer season of 1869, Professor Mellen arranged to open the fall session of his school in Mount Sterling, a village in Choctaw county, Alabama. Mount Sterling had been noted for its excellent schools. Professor George F. Mellen, Dr. John Massey, Miss O. C. DuBose, and other prominent teachers had given it reputation as a center of learning. It was not so quiet then as now, but it was far from the madding noise of large cities. The people in it were intelligent and most of them were prosperous. The pretty homes, the good society, the active churches, the wide-awake merchants, the business enterprise, and the thriving farms surrounding it invited schools.

1869

The coming of Professor Mellen, with his interesting family, into the Alabama village was attended with more than courteous welcome. Many of his former pupils were there, and they greeted him with affection akin to that with which children greet a father. The public joined in their joyous gladness. Congratulations poured from near and far upon fortunate Mount Sterling.

The school opened in September. It filled rapidly. Both boys and girls were admitted. They came from Mobile, from Choctaw, Sumter, Marengo, Washington, and Clarke counties, from Mississippi and Arkansas. Life and laughter, study and fun,

such as come only in school days, were there in abundance.

5. **Respect and Admiration of His Pupils.**—Professor Mellen had long experience in leading the young into culture and learning. He commanded their unbounded respect, while his agreeable manner and delightful conversation won their confidence. He possessed fine common sense to balance his learning, a manly way of acting that infused its charm into others, and a confidence in boys that cultivated their highest self-respect. They strove to be what they supposed he thought them. They played pranks that often gave him annoyance and pain, but he never failed to pass over the unpleasant places with dignity and firmness, and at the same time he left the impression that he believed in the better nature of boys. This made him dear to them. It falls but seldom to the lot of a teacher to be so admired and loved by his pupils.

6. **Success as Business Man and Teacher.**—In private business Dr. Mellen was successful. He loved the company of his friends and often had them to enjoy with him and his family the comforts and luxuries of his home. He gave liberally for charity. His interest in politics and the country's welfare was in sympathy with that of his neighbors, and he enjoyed their full respect and cordial esteem.

As an educator he must be considered with masters whose great services in teaching have helped to encourage young men to act nobly and live for good to the world. His pupils have striven to acquire knowledge and to rise to high positions. Among

them may be found preachers, teachers, college presidents, lawyers, legislators, doctors, merchants, and farmers. Whatever they have engaged to do, they have done it the better for having been taught and trained by him.

7. School at Mount Sterling.—Not long after settling in Mount Sterling, Professor Mellen bought near the town a beautiful home, known as the Wiley Coleman Place. He continued the boarding regulations as at Pierce's Springs. The boarders occupied cabins which stood in a grove in the rear of his dwelling. A one-room cabin with a large, old-time fireplace, and separated by twenty or thirty feet from adjacent cabins, held from two to four boys, according to its size and fitness. There was one double cabin. Back of these cabins was a large body of woods that afforded comfort and freedom. A small farm furnished field products, and a large garden and orchard supplied vegetables and fruits.

Professor Mellen had travelled a great deal, and he knew many distinguished people. He was himself a most entertaining host. His conversations were learned and wise, witty and humorous. His manners were cordial and sincere. Good company, music, and books constantly aided him and his family in contributing to the uplifting of his boarders.

The author, who has had many years of experience and observation in schools, has never seen another teacher who could get as much work out of boys with as little effort as did Professor Mellen. He knew them well and sympathized with them. His

management of them was such that there was rarely any serious friction in his school. Ambition and honor were inducements to study and the guides to conduct. The spirit of honor and sympathy among his pupils was admirable.

8. Courses of Study.—In the courses of study* especial attention was given to English, the mathematics, Latin, and Greek. The lighter courses had but little sympathy. The study of a few subjects enabled pupils to be very thorough, and aroused interest that could not be secured by other systems. Indifferent students attended the school, but they were at a discount. All grades were admitted, but the hard study and the thorough work required tended to keep out the very elementary courses. Young men usually came to take up advanced studies and to prepare for business or college.

Great stress was put on grammar, rhetoric, and declamation. Grammar and rhetoric were dili-

*The principal text-books in English were Brown's *Grammar* and Quackenbos's *Rhetoric*.

The Latin course embraced Andrews' & Stoddard's *Grammar*, Andrews' *Reader*, four books of Cæsar's *Gallie War*, six books of Vergil's *Aeneid* and all the *Bucolics* and *Georgics*, six *Orations* of Cicero, Horace entire, Juvenal's *Satires*, Sallust, and more if there was time for it.

The course in Greek embraced Harkness' *First Book*, Bullion's and Goodwin's *Grammars*, Arnold's *Reader*, four books of Xenophon's *Anabasis*, three books of Homer's *Iliad*, portions of Herodotus, *Cyropaedia*, *De Corona*, and other works if time allowed.

Mathematics included Robinson's *Progressive Higher Arithmetic* and *University Algebra*, Davies' *Legendre*, and Robinson's *Surveying and Navigation*.

gently studied year in and year out. The afternoon of every other Friday was devoted to the reading of compositions and to "speaking." The public was invited on these days, and the presence of visiting ladies and gentlemen was a stimulant to make the pupils do their best.

The instruction in Latin did not embody the drill of to-day in translating English into Latin, but it gave a taste for the literature which made the study a pleasure. The students could take a Latin author and change his language into pure English; and they did it, not with groans and sighs and protests, but with a gladness springing from love of the literature and its contained thought. Latin was to them a mine of rich mental treasures, from which they gathered information regarding the history, the habits, the thoughts, the religion, and the sentiments of the Romans and the other nations living in the same time with them.

The methods and purposes of the course in Greek were similar to those in Latin. In mathematics a very thorough drill in arithmetic and algebra was given.

9. Close of the Session.—About the first of July the session closed with two or three days of public examinations, a big public dinner, compositions, and speeches. The girls were as smart and pretty as could be found anywhere, and read their compositions as sweetly as girls ever could read them. They of course swept the whole range of poetry, music, philosophy, science, and nature.

The speeches formed an important part of the closing exercises. Demosthenes practiced speaking on the seashore; Cicero practiced in his quiet home in Tus'culum; but the boys in this school practiced in the woods and in the Academy. Two or more would go together over the hills and declaim and criticise pieces that had been selected. When a youthful orator appeared on the stage before the public, he was inspired by the sentiments and spirit of the author from whose writings his selection had been taken. It seemed to him as if the walls and ceiling lifted away, and that his discussion of the mightiest problems of State and nation commanded the breathless attention of a distinguished company of noted statesmen. He uttered the eloquent arguments of some great orator of the past as if the words were born in his own brains.

10. Later Life.—Professor Mellen spent a few years in college work as co-president of Tuscaloosa Female College, but he rightly concluded that his best work was with young men who wished to make studies the stepping-stones to higher things.

1882 In recognition of his abilities and scholarship the University of Alabama conferred upon him the degree of Doctor of Laws.

May 30,
1893

He died on May 30, 1893, and is buried in Livingston, where he spent the last ten years of his life. Beside him sleep the remains of his devoted wife, whom the boys loved for her tender kindnesses and gentle courtesies.

11. The Old Schools and the New.—The restless spirit of the present age has questioned the merits

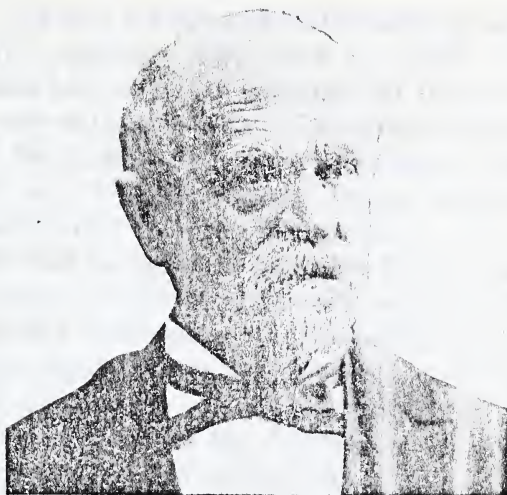
of education acquired in the old academies, and has substituted a new order in the courses of study. Many changes are still being demanded, and only through the test of years will be discovered the proper system of education. Regardless of these facts, it cannot be denied that, in order to establish the highest standard of excellence in our schools, they must be guided by men whose hearts and brains and habits are such as to lead them in the footsteps of such friends and counsellors of youth as was Dr. Seth Smith Mellen.

SUMMARY

Dr. Seth Smith Mellen, a native of Massachusetts, began in Georgia his great work as a teacher. Later he established a noted school at Pierce's Springs, Mississippi. From this place he removed to Mount Sterling, where he continued his work. The Mount Sterling School was ideal, and Dr. Mellen enjoyed the respect and admiration of both pupils and patrons. In the course of study much stress was placed on English, Latin, Greek, and mathematics. The close of each school year was marked by varied and interesting exercises. Although Dr. Mellen died in 1893, his noble and inspiring work as a teacher and guide of youth is still exerting its influence on education in Alabama.

QUESTIONS

1. Name some of the great teachers of past ages, and tell what they have done.
2. Sketch the early life of Dr. Seth Smith Mellen.
3. Describe his Pierce's Springs school.
4. Give an account of his removal to Mount Sterling.
5. How did he win the respect and admiration of his pupils?
6. Tell of his success.
7. Describe the school at Mount Sterling.
8. How did he teach English? Latin? Greek? mathematics?
9. Describe the closing exercises of his school.
10. Give a sketch of the closing years of his life.



Dr. William LeRoy Broun

CHAPTER XXVIII

DR. WILLIAM LEROY BROUN (1827-1902)

1827 **1. Sketch of His Life.**—Dr. William LeRoy Broun gave to the cause of education in Alabama nearly twenty of the seventy-five years of his life. He was born in Virginia, and educated in her academies and in her University, graduating in the class of 1850. He taught first in Mississippi; he was professor of mathematics, 1854-1856, in the University of Georgia; then he established Bloomfield Academy, a classical school near the University of Virginia.

Dr. Broun entered the Confederate army at the outbreak of the war, and was made lieutenant of

artillery. He was a profound mathematician and a skillful civil engineer. He knew so much about artillery that he was put in command of the arsenal at Richmond with the rank of lieutenant colonel. It was by his orders that the Confederate arsenal was blown up when the Federal troops compelled General Lee's army to leave Richmond.

After the war he again devoted his life to education. During a period of thirty-five years he filled with distinction positions in the University of Georgia, Georgia Agricultural and Mechanical College, Vanderbilt University, Alabama Agricultural and Mechanical College, and the University of Texas. In 1882, he was elected to the presidency of the Alabama Agricultural and Mechanical College, and, save for the session of 1883-84, he held this position until his death in 1902.

1865

1902

Such is the outline of the life of Dr. Broun, whose great brain powers and whose work as a teacher made him one of the foremost educators of America. His modest life commanded the love of all who knew him, and his death called forth tributes of praise* from his old friends of the University of Virginia and from the good and wise in all sections of the country. Virginia, Georgia, Tennessee, Mississippi,

*Dr. Charles C. Thach, his successor in the Polytechnic Institute, in a speech at the memorial services in honor of Dr. Broun, said of him: "His was the greatest intellect that I have ever known; absolutely accurate, full of refinement and delicacy, appreciative of the finest shades of culture, yet vigorous, robust, constructive, bold to plan and mark out new lines, and capable of carrying those plans to the most successful issue."

Texas, and Alabama all have had the impress of his wonderful influence and example, but Alabama enjoyed the closing years of his services when all his powers of brain and soul were at their best.

2. Qualifications for Presidency.—In the Confederate service Dr. Broun discovered the general ignorance of men upon scientific subjects. His Bloomfield Academy had not neglected the teaching of chemistry and physics and practical civil engineering. He had thus early in life shown his regards for scientific courses of instruction. This great master also loved the culture and power of Latin, Greek, and other languages. Experience had taught him that instruction in literature should be combined with courses in science. His education was so broad and liberal that he could have successfully filled any chair in the College. He was a good judge of men. In the selection of his faculty he was guided by what he thought of the fitness of the professors, and not by what the professors thought of him. It was fortunate for Alabama that one so well fitted for the broad work of education should have been placed at the head of its school of science.

1882

3. Work as President.—As president Dr. Broun took charge of the College with a firm hand, and under his careful management it was soon recognized as one of the leading scientific schools of America. Soon after entering upon his duties he formed the departments of manual training, electrical engineering, and biology, subjects which never before had been courses in a Southern college. He came into direct personal relations with thousands of young

men and young women who are now among the most helpful citizens of the country. Many of his students have gone into professional work in all countries of the world, and have carried with them habits of accuracy in business, the love of truth, and the manliest principles in conduct and thought.

His long connection with the Polytechnic Institute* and his knowledge of the needs of the times combined to shape educational work not only in Alabama but throughout the country. Taking charge when money and equipment were wholly insufficient, he planned so wisely and so well that every year showed marked improvement in the great school over which he presided. The legislature acknowledged his abilities and wisdom by giving large appropriations to its support. The people of the State showed their confidence in him by sending an ever increasing number of young men to be trained under his guidance.

As a speaker Dr. Brown charmed his hearers by the vigor of thought rather than by the eloquence of words. He was always interesting, but he seemed to be a little embarrassed when rising to address an audience. This embarrassment lasted only for a moment, for his mind acted directly upon the subject before him, and he made it bright with the order of truth. The listener soon became lost in the great thoughts of the speaker, and he never forgot the impressions of the hour.

The discipline that was maintained by Dr. Brown

*In 1889, the name was changed to the Alabama Polytechnic Institute.

appealed to the manliness of young men. With a strong love for human kind, he brought his lofty spirit down to the plane of the students under his control, and through sympathy led them into noble habits of mind and conduct. "Fear God, and work! Take it home to your bosoms, write it on your hearts, make it the rule of your life. Fear God, and work," is said to be the motto with which he closed his last public address.

4. Tribute to His Greatness.—Ever kind and courteous, refined and modest, gentle and strong, Dr. Broun was beloved and honored by all who came into his presence. His memory will not perish among men, and his influence for the good of his age will bear fruit in all coming time. Guided to success by his masterly mind, the Polytechnic Institute is a monument to his greatness.

SUMMARY

William LeRoy Broun, after graduating from the University of Virginia, became a teacher. After serving with distinction during the War between the States, he again entered the teaching profession. During a period of thirty-five years he taught with much success in Georgia, Tennessee, Alabama, and Texas. His qualifications were such that in 1882 he was elected president of the Alabama Agricultural and Mechanical College. Under his guidance it became one of the leading scientific schools in America.

QUESTIONS

1. Sketch the early life of William LeRoy Broun. 2. What services did he render the Confederacy? 3. In what schools did he teach and in what States? 4. What were his qualifications for the presidency of the Polytechnic Institute? 5. Give an account of his work as president. 6. Describe Dr. Broun as a speaker. 7. In what way did he preserve discipline? 8. With what words did he close his last public address? 9. Why should Alabamians honor him?

CHAPTER XXIX

REFORMS AND REFORMERS

1. Religious Agencies in Territorial Times.—In territorial times the coming of ministers of the Gospel and the establishment of churches were the most powerful and most lasting agencies of reform. Long before Alabama became a State, clergymen were travelling through the country, and holding religious services in private homes and under forest trees.

The Roman Catholics were among the colonists from their first settlement, and their church did more than any other to civilize the early inhabitants and the Indians, and to teach them the truths of Christianity. The population at first was largely of French and Spanish blood, and naturally adopted the Roman Catholic religion, as this was the faith of their fathers across the waters. The rapid influx of English-speaking Americans after the beginning of the Revolutionary War brought a great many Protestant settlers, and prepared the way for the establishment of Protestant churches.

2. Lorenzo Dow.—Probably the first Protestant sermon preached to the "Bigbee" settlers was that of Lorenzo Dow in 1803. Dow was an eccentric New England Methodist, and he travelled through the wilds of this new country, preaching at the several settlements as he made his rounds. He sometimes took with him his wife Peggy. Their writings give

a singular picture of the queer way in which they devoted their lives to the work of spreading the Gospel. They also contain many thrilling and romantic experiences of Mr. Dow and his wife as they pursued their journey through the wilderness from one settlement to the other.

3. Growth of Protestant Churches.—The Methodist and the Baptist churches began regular work in Alabama about 1808, and they have outstripped all others in getting the people to become church members. Their ministers lived among the people, became familiar with their lives, and felt a sympathy in whatever concerned them. Many of these ministers were uncultured, but they were naturally eloquent and possessed of great strength of character. They held protracted meetings in towns and villages, and camp-meetings in the country. On these occasions several ministers would come together, often from distant fields of labor, and would preach from day to day to congregations made up of people who had also gathered from near and far.

The Presbyterians, Episcopalians, and other denominations helped on the great work of Christianizing the people.

The church buildings in the newly-settled country were almost without exception constructed of poles cut from the surrounding forests. As the country developed and sawmills began to convert timber into scantlings and planks, better buildings took the places of the old, and many of these in turn have given way to the magnificent brick and stone churches of to-day. In those humble buildings of

the long ago the people were taught to believe in God and to respect holy things. This training has made a people who have done much for the good of the world.

4. Dorothea Lynde Dix.—Miss Dorothea Lynde Dix was born in Hampden, Maine, on April 4, 1802. When a very young woman she taught school. She became so much interested in weak-minded people and criminals that she visited Europe in order to study the treatment of prisoners, paupers, and the insane. She became the more interested as she learned how these classes were treated.

Apr. 4,
1802

When she returned to this country, she went from State to State pleading for the establishment of asylums and hospitals. She visited Alabama during the session of the general assembly in 1849 and 1850, and asked for the founding of an asylum for the insane. On February 6, 1852, the general assembly voted to establish the Alabama Insane Hospital, which is now the Bryce Hospital.

Through the efforts of Miss Dix the United States Congress, in 1854, passed a bill by which 10,000,000 acres of land were given for the support of hospitals for crazy folks who had no money. The bill, however, was vetoed by President Pierce.

Miss Dix was superintendent of hospital nurses in the Federal army during the war of 1861 to 1865. She wrote several works, the most valuable of which is *Prisons and Prison Discipline*. She died on July 17, 1887.

July 17,
1887

On her recommendation Dr. Peter Bryce was appointed superintendent of the Alabama Insane

Hospital, which opened its doors for patients on April 5, 1861.

Mar. 5,
1834

5. Dr. Peter Bryce.—Dr. Bryce was well qualified for the high trust of caring for the Insane Hospital. He was born in Columbia, South Carolina, on March 5, 1834, and was educated at the South



Peter Bryce

Carolina Military Academy. He won the Metcalf prize for scholarship and took his degree of doctor of medicine in the University of New York. He pursued his studies in Europe, giving special attention to diseases of the mind. He was for short periods connected with the insane hospitals of South Carolina and New Jersey.

When Dr. Bryce came to Alabama in 1860 to take charge of the Insane Hospital, he brought with him his bride. The war began immediately upon the opening of the hospital. He managed to keep the institution open during the four years of hostilities and to carry it through the troubles of "Reconstruction."

Soon after he took charge, the hospital became noted over the world for its advanced methods of treating patients. Before this time, crazy people were tied and put in straight jackets to make them obey the doctors and the nurses. Dr. Bryce did away with all this. He established a system which

kept the patients busy with out-of-door work. He won his patients by following the Golden Rule: he did unto them as he would have another do unto him in similar circumstances. He made a study of crazy people who had committed crimes. He tried to find out to what extent they were responsible for their actions; whether they knew right from wrong, and whether they could keep from doing wrong even



Bryce Hospital

when they knew the wrong. His name was foremost throughout the world in notable discussions on methods of controlling the insane, and his hospital was pronounced one of the best and most comfortable in the world. One who knew him well said of him, "Pure in character and conversation, genial in manner, and lovable in disposition, he was a man upon whose brow nature herself had written 'Gentleman'."

Dr. Bryce held many posts of distinction in learned

societies. In his honor the State has named the institution over which he presided so long "The Bryce Hospital."*

Dr. Bryce was superintendent of the Insane Hospital from 1861 until his death in 1892. He left his work to be carried on by Dr. James T. Searcy, the present superintendent.

6. Dr. James T. Searcy.—Dr. Searcy is a very able physician and a most admirable gentleman. A visit through the wards with him on his daily round of inspection is a lesson full of instruction. His perfect candor with the patients is one of the things that impresses most. The respect that they show him leaves proof of his just dealings. From his comments upon methods of treatment, it is evident that he is keeping himself informed as to what other doctors are doing, and that he is moving ever towards a better understanding of how to improve the condition of the insane. He is keeping the hospital among the best in the world.

7. Dr. J. Hal Johnson.—In securing the establishment of the beautiful Institute for the Deaf and Blind in Talladega, Dr. J. Hal Johnson did a noble work. The deaf and the blind are in separate buildings, but the two institutions are under one president. This school was founded in 1857, and has grown steadily in numbers and helpfulness. It is teaching the dumb to talk, and it is educating the deaf and blind to be happy and independent. At present it is under the

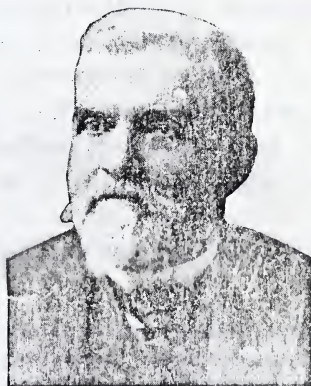
*The Mount Vernon Hospital for the negro insane is in Mobile county not far from Mobile. It is a branch of The Bryce Hospital.

charge of Dr. J. H. Johnson, the son of the founder. He has charge also of the School for the Negro Deaf Mutes and Blind.

8. Dr. J. Marion Sims.—Dr. J. Marion Sims was a practicing physician in Montgomery when he began to perform surgical operations that no one else had ever before done successfully. These operations gave so much relief to sufferers that Dr. Sims removed to New York, where he would have a better opportunity to treat greater numbers. For a while he lived in Paris. He won the distinction of being the greatest surgeon in the world. The women and children of this country have reared in New York City a splendid monument to him.

1847

9. Dr. Jerome Cochran.—Dr. Jerome Cochran, for eighteen years the State health physician, ranked among the strong men of the age. Born and reared in Mississippi, it may be said that he was educated between the plow-handles and in the old-field schools. At an early age he acquired the habit of investigating things thoroughly and then drawing his own conclusions.

Dec. 4,
1834

Jerome Cochran

He married Miss Sarah Jane Collins just as he reached manhood, and two years later he was graduated from the Botanico-Medical College of Memphis, Tennessee.

Not satisfied with the principles and practice taught by this school, he entered the University of Nashville, completed the required courses, and obtained appointment to duties in that University.

During the War between the States he served as
1865 physician and surgeon at Marion and Tuscaloosa. "When the bloody strife was over," he settled in Mobile.

Dr. Cochran went to Mobile poor, unknown, and without friends, but with the confidence that merit would win support in that city of beautiful homes and intelligent citizens. He soon worked himself
1870 into favor with the doctors and the public. His articles on health, which were published in the *Mobile Register*, attracted wide attention. As health officer of the city, he fought with great vigor and success the spread of smallpox and yellow fever.

As secretary of the State Medical Association he studied closely the needs of a strong State medical organization with authority to protect the health and lives of the people. To this end he drafted the constitution of the Medical Association of the State of Alabama. After being discussed and rejected at several annual meetings of the Association, the constitution* prepared by him was adopted in 1873.
1873

*His plan for the organization of the medical profession has no superior in "wisdom of conception, logical arrangement, completeness of detail, abundance of fruit already borne and to be borne." The machinery of the plan embraced: 1st. A College of Counsellors with one hundred members; 2nd. A Board of Censors composed of ten counsellors; 3rd. County Medical Societies.

This constitution committed the doctors to a more special study of the causes and prevention of diseases. One of its strong points was the provision for organizing and upbuilding county medical societies; through such societies was expected the principal support of the plan for protecting health. As a result of the work of the Medical Association, each county, city, and town has been given the power by State laws to control in all matters which affect the health of the public, and the people of Alabama have been protected against the introduction and spread of yellow fever and other diseases. The records of the Association are among the most valuable historical papers of the State.

Dr. Cochran was born December 4, 1834; he died August 17, 1896. His life was not a long one, but it was full of great good to the country.

Aug. 17,
1896

10. Prison Reform.—Messrs. Reginald H. Dawson, W. D. Lee, and Dr. A. T. Henley were appointed commissioners to inspect the convict system of the State and to regulate the treatment of convicts by their employers. Before this time there had been no system about the working or the hiring of State prisoners.

1883

These gentlemen carried on their work in a thorough manner. They would appear in mines, camps, and other convict quarters without any notice to employers. Thus they would learn the true conditions surrounding the State's prisoners. They effected reforms in many ways, compelling better treatment, better clothing, better rations, and a strict regard to health laws. They reduced to a well-

ordered system the former slipshod method of hiring and overlooking prisoners. To them must be traced the origin of many of the methods of prison reform that have given to Alabama a just pride in the kindly treatment of her criminal classes.

In 1903, the State took charge of the convicts hired to corporations. It has contracted to care for the convicts hired to work in the coal mines, and thereby has bettered the conditions of the criminals and produced a larger revenue for the State.

11. Boys' Industrial School and Farm.—Robert Burns truthfully wrote—

"Man's inhumanity to man
Makes countless thousands mourn."

Alabama has risen above this charge, and has



Mrs. R. D. Johnston

adopted a practical system to save wayward boys. Good people have learned that it is wrong to take young boys who have broken the laws of the State and throw them into prison with old offenders who are hardened in crime.

The Boys' Industrial School and Farm was established to take care of boys who have become disobedient to the laws of home and State. Its careful supervision, firm management, kindly interest, regular employment in school and labor on the farm are intended to develop

whatever good traits the boys may have. It is located near East Lake.

The establishment of this school is due mainly to the untiring efforts and the great mother sympathies of Mrs. R. D. Johnston, of Birmingham, who for some years wrote, spoke, begged, and urged the State to establish a home for the neglected boys of Alabama. Before public assemblies, State legislatures, and private friends, she pleaded the cause of the boys, "the stuff that men are made of," until the general assembly of Alabama endorsed her plan and gave \$3,000 towards creating the home. This amount has been gradually increased by succeeding legislatures until now the institution is in a flourishing condition. A goodly number of boys from this school now hold responsible positions, and are happy in the discharge of the duties of good citizenship. It stands as a monument to those who have devoted themselves to the holy cause of providing this means of redeeming for useful manhood the boys committed to its kindly protection and loving instruction.

1899

SUMMARY

Early settlers in Alabama occasionally received moral and religious instruction from some passing priest or preacher. Of Protestant denominations the Baptists and Methodists were the first to begin regular and active work in Alabama. Among those who have made the people mindful of nobler and better things in life may be mentioned Lorenzo Dow, Miss Dorothea Dix, Dr. Peter Bryce, Dr. J. Hal Johnson, Dr. J. Marion Sims, Dr. Jerome Cochran, and Mrs. R. D. Johnston. Lorenzo Dow was one of the first Protestant preachers to travel through the scattered settlements and preach to the people; Miss Dix brought

about the establishment of the Bryce Hospital; Dr. Bryce encouraged the kindlier treatment of the insane; Dr. Johnson secured the foundation of the Institutes for the Deaf and Blind; Dr. Sims' discoveries changed the practice of surgery throughout the world; Dr. Cochran originated the splendid plan for the protection of public health, and Mrs. Johnston's work caused the establishment of the Boys' Industrial School and Farm. The convict system was reformed by R. H. Dawson and others.

QUESTIONS

1. What religious agencies were there in territorial times?
2. Describe Lorenzo Dow and his work.
3. Give an account of the growth of Protestant churches.
4. Sketch the work of Miss Dorothea L. Dix.
5. Give an outline of the life of Dr. Bryce.
6. Describe the work of Dr. Searcy.
7. For what is Dr. Johnson noted?
8. What made Dr. Sims famous?
9. Give a brief history of the life of Dr. Cochran.
10. What prison reforms were brought about in 1883?
11. What did Mrs. R. D. Johnston accomplish?
12. What has been accomplished by the Boys' Industrial School and Farm?

CHAPTER XXX

ALABAMA INDUSTRIES

I. Industrial Geography

1. Boundaries.—Alabama occupies a favorable geographical position. Its northern boundary juts against Tennessee; Georgia skirts its eastern limits, and Mississippi its western; Florida and the Gulf of Mexico bound it on the south.

2. Rivers.—The Tennessee river enters the northeastern corner, and sweeps down through the rich, grain-producing counties of Jackson and Marshall, and runs along the borders of Madison, Morgan, Limestone, Lawrence, Colbert, and Lauderdale, passing out in the extreme northwest on its voyage to the Ohio.

The Tombigbee enters from Mississippi on the west, a few miles below Columbus. On it float steamboats which carry to the beautiful Gulf port on Mobile Bay, the cotton and other agricultural products of Pickens, Sumter, Greene, Marengo, Choctaw, western Clarke, and Washington counties. It is joined, just above Demopolis, by the Black Warrior, which brings barges of coal and vessels freighted with the products of farms from Hale, Tuskaloosa, and Greene counties.

The Alabama flows through the heart of the State. It bears the multiplied products of rich farms and thriving factories, and delivers to markets the immense cotton crops of Montgomery, Autauga,

Lowndes, Dallas, Wilcox, eastern Clarke, Monroe, and Baldwin counties. The Coosa extends several hundred miles to the northeast, and is fed by navigable branches that reach far into Georgia. The Tallapoosa flows from Georgia and unites with the Coosa to form the Alabama. It is not navigable, but affords fine water-power for machinery. Its falls and rapids are full of beauty.

The Chattahoochee, coming from Georgia, strikes Alabama at West Point, and takes a southerly course between the two States. Joining the Flint, about twenty-five miles above the Florida line, it forms the Appalachicola, which affords a passage-way to the large steamers of the Gulf.

The Choctaw hat' chee, Escām' bia, Cone' cul, Sipsey, Noxubee, and other small rivers impart richness to the soil along their banks, and await appropriations from Congress with which they will be made navigable.

3. Surface.—No high mountains are within the State. The Appalachian system tapers from Lookout Mountain until lost in Bibb and Tuskaloosa counties. The section through which the system extends offers a wonderful variety of hill and valley, rocky gorges, and waterfalls, and overlooks plains that stretch away into the blue distance.

Sandhills pass southeastwardly through the State from Choctaw county to the Chattahoochee river, giving many miles of rugged hills and charming landscapes. Huge rocks and caves, winding streams, and towering trees give delightful relief to the sweep of river valleys and receding lowlands.

4. Area, Soil, Products, Belts.—The State extends a little more than three hundred miles from north to south, and a little less than two hundred miles from east to west. It contains fifty-two thousand two hundred and fifty-one square miles of area. Its soils are of every kind, from the poor sandhills to the rich river-bottoms. Its crops embrace nearly everything to be found in the temperate zone and many things of the tropics. Its forests and minerals, its climate, and its agricultural resources have given people many ways to make a living. It is divided into four great belts—the cereal (grain) belt, the mineral belt, the cotton belt, and the timber belt.

II. Cereal Belt

5. Extent, Soil, Products.—The cereal belt comprises the eight most northern counties. It spans the State from east to west, and embraces the valley of the Tennessee with its tributaries. No section of the State is more charming in scenery, soil, and climate. Mountains temper the heat of summer and break the cold of winter.

Grains and grasses are of marvellous yield. Cotton thrives. Hardy orchard fruits and magnificent vineyards yield large crops when intelligently cultivated. Big plant nurseries are near Huntsville. One order for seventy-five thousand Alberta peach sprouts to be shipped to the West was filled by one of these nurseries. Wild fruits are abundant. Stock-raising is profitable.

Excellent water-power and plentiful fuel-supply have long sustained factories. Huntsville, Florence,

Decatur, and Sheffield have iron furnaces and other industrial enterprises. Schools and churches, newspapers and people give evidence of prosperity and social virtues.

III. Mineral Belt

6. Extent, Soil, Farm Products.—The mineral belt lies immediately to the south of the cereal. It embraces twenty-eight counties and contains nearly every mineral known to man. It covers one-third the area of the entire State.

Its soil is not so generally productive as that of the cereal and cotton belts, but in some sections it yields liberally both wild and cultivated products. Everything grown elsewhere in north Alabama finds more or less thrift when tried in favored portions of the mineral belt.



Michael Tuomey

7. Mineral Development Delayed.—The geological reports of Professor Michael Tuomey, made many years ago,

told of vast mineral deposits stored in hills and valleys. Agriculture, however, had been the business of the people from the very first settlement, and it furnished a good living. Property was largely in slaves, and agriculture not only produced wealth, but it

brought health and happiness to the slaves. For these reasons little heed was given to developing the mineral resources of the State.

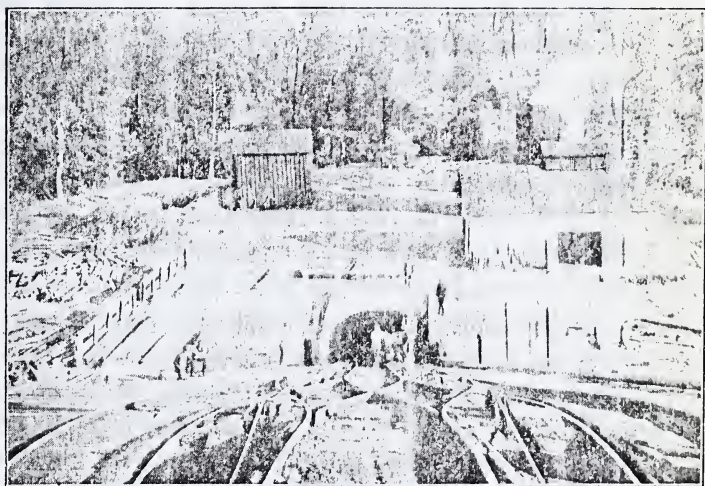
The freeing of the slaves produced many changes. Upon the surrender of the Confederate armies, Federal officers promptly seized large portions of whatever products Southerners had stored away. Cotton had been locked from the world by the blockades of war, and immediately commanded very high prices. These prices invited its production to the neglect of other crops and to the abandonment of other business. Everything bowed to "King Cotton." It brought more than two hundred and fifty dollars a bale. Farmers imported plows, wagons, stock, and even corn and meat.



Daniel Pratt

Cotton began to fall in price. It dropped to twenty-five dollars a bale. Conditions became serious. Debts grew. An old farmer said that people were planting cotton so that they might mortgage the crops to buy corn on credit. To raise but "one crop" was found to be a mistake. It did not bring relief from debt. Moreover, people began to study how to use to better advantage the resources of the State.

8. Mineral Development Begun.—A few far-sighted men had entered other lines of business that gave promise of larger profits than farming. Mr. Daniel Pratt, after whom Prattville is named, had grown very wealthy in the manufacture of cotton gins and the coarser products of the loom. His son-in-law, Mr. H. F. DeBardeleben, opened mines and



Entrance to Coal Mine at Adger

planted furnaces in the mineral belt. Other gentlemen of like enterprise saw that mining and manufacturing industries, if properly developed, would be profitable. Furnaces, foundries, factories, mills, and machine shops began to work up the raw materials and shape them for the uses of life. Coal fields, iron mines, and lime and granite quarries invited capital.

It was discovered that nowhere else in the world were conditions more favorable for the manufacture of iron. The ores were plentiful, and near them was an abundance of lime and coal. A new order of things set in. Cities and villages sprang into existence. Railroad after railroad was built. New life and energy seemed to possess the State. The most wonderful object-lesson of the new order is to be learned from the growth and importance of Birmingham, the "Magic City" of Mineral Alabama.

9. Early History of Birmingham.—In 1816, the United States government granted to an insane asylum in Hartford, Connecticut, a large tract of land in what is now Jefferson county, Alabama. The trustees of the asylum sent a Mr. William Ely to select the land and commit its profits to the objects intended by the grant. Mr. Ely secured for his own use a portion of the land, and with business foresight began the building of a town. By good fortune he succeeded in having the courthouse located on the site of his town.

1816

The town was named Elyton, after its founder. For half a century it formed the center of a sturdy, prosperous community. In flush times it drew trade from a large section of surrounding country. Its hotels and stores, its courthouses, its offices of lawyers and doctors, its schools, churches, and private residences were the pride of its citizens. William A. Walker, Sr., Judge William S. Mudd, Colonel Joseph Hickman, Doctor Joseph R. Smith, and others were among the early residents, and many of their descendants still live here and in Birmingham.

- 1870 The courthouse was burned in 1870. The Alabama Great Southern and the Louisville and Nashville railroads crossed each other nearly two miles to the east of Elyton. The petition of citizens to have the courthouse rebuilt near the crossing, in what is now Birmingham, was granted by the general assembly
- 1871 in 1871. A local poet tells about this event in lines beginning—

“In eighteen hundred and seventy-one,
When Birmingham was Elyton.”

Aug. 8,
1871 The first house in Birmingham, except the historic old blacksmith shop, had its foundations laid August 8, 1871. In December following, the city was chartered. At that time it had twelve hundred inhabitants, eighteen two-story brick stores, and thirty frame houses. Colonel James R. Powell, the “Duke of Birmingham,” as president of the Elyton Land Company, was at this time giving his energies and far-sighted wisdom to the building of the city. The streets and avenues were well planned for future growth.

10. Mineral Resources Near Birmingham.—Agents sent to Birmingham by capitalists declared that the marvellous estimates of the mineral wealth of the surrounding country were all true. It has been conceded that the Warrior, Cahawba, and Coosa coal fields contain coal enough to form a block ten feet thick that would cover more than four thousand squares miles of area, furnishing more than forty-two billion tons of coal for available use. This is enough to last more than eleven thousand years at

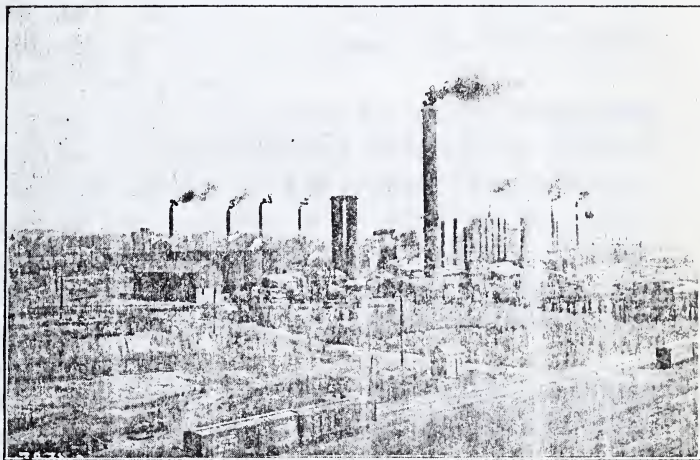
the rate of ten thousand tons a day. A mountain of iron, twenty-five miles long, skirts Birmingham on the south; lime and rock quarries abound.

11. Growth of the City.—People everywhere heard of Birmingham and of its nearby mineral resources. Wealth poured into it. Skilled laborers and wide-awake business men came to it. Railroads multiplied. Furnaces and foundries were built. Population rushed in so rapidly that health regulations could not be observed. Cholera broke out and put a brief check upon the inrush of people and capital; but with renewed confidence the tide of prosperity turned back to this beautiful region of mineral wealth.

A bird's-eye view from Red Mountain gives a delightful picture of Jones Valley and the restless city, with roll of cars bringing in and carrying out passengers and freight, with smokestacks telling of the change of ores into products for the use of man, with moving masses of people, and the thrum of a thousand industries. The flare of furnaces and the roar of heavy machinery give strange impressions of progress and power. The proud Indian who looked years ago from this mountain over the far-reaching valley must have felt wildest pleasure as the view broke upon his gaze; and the white man's coming must have given him a deeper sorrow as he looked for the last time upon scenes of such rare beauty and loveliness, and understood that they were passing into the possession of another race.

12. Birmingham Industries.—In the city and throughout the Birmingham district there is a won-

derful list of industries. Numerous blast furnaces are in operation. Immense cotton gin factories and cotton mills are a part of the life of this city. Ice factories, transfer companies, magnificent dry-goods and general-supply stores, cotton compresses and oil mills, lumber firms, factories for the manufacture of furniture, of bicycles, of fertilizers, of car wheels,



Steel Plant at Ensley

of sugar-mill machinery, of Corliss and other engines, and immense electric power-houses swell the number of its varied material industries.

1897

The practical manufacture of steel began in 1897. Millions of dollars have since poured into the establishment of steel plants in the Birmingham district, and the manufacture of basic steel is increasing every year. It is claimed that the finest steel rails in the world are manufactured at Ensley. The railroad

tonnage from that place is said to be greater than that of the whole State of Georgia.

13. Advantages of Birmingham.—Scattered throughout the city are many schools, churches, hospitals, literary and social clubs. All denominations worship in beautiful church buildings, and engage able preachers. Nowhere else can be found more enthusiastic members of churches, giving more abundantly of labors and money, time and prayers, to every worthy cause.

A magnificent foundation for public instruction is seen in the elegant school buildings in different portions of the city. It has probably the most complete and best equipped high school in the South. The Birmingham College, Howard College, the Birmingham Seminary, Holy Angels Academy, and many excellent private schools impart tone to the intellectual life.

The *Age-Herald*, the *News*, the *Ledger*, and other great newspapers are helping to educate and entertain the people.

The Hillman and St. Vincent Hospitals, numerous private sanitariums, the Mercy Home, the Creche, and the Orphans' Home, dispense gentle services to the sick and suffering.

A magnificent system of street railways connects beautiful suburbs and neighboring cities with Birmingham. It provides easy trips to well-kept parks in which nestle many springs of pure water. The basin of one of these springs is forty-five feet deep. Its water, rolling away through a rustic milk-house, imparts a delightfully pleasing effect.

Great trunk-lines of railroad carry freight and passengers to all points of the compass. Shipments of iron unload in the ports of England, China, Japan, and other world powers, bringing to Birmingham manufacturers large bills of exchange.

Jan. 6,
1908

14. "**Greater Birmingham.**"—On January 6, 1908, the vote for "Greater Birmingham" carried successfully, and gave the city an area of forty-two square miles and more than one hundred thousand people.

Possibly no other city of its size is so free from envy and enmity and the vices that keep up gossip. There are too many enterprises that invite brain work to allow time to be wasted over the little nothings of life. Buoyant, hopeful, energetic, aggressive, the people are vigorously developing plans "for the glorious privilege of being independent" and for helping every noble work of humanity.

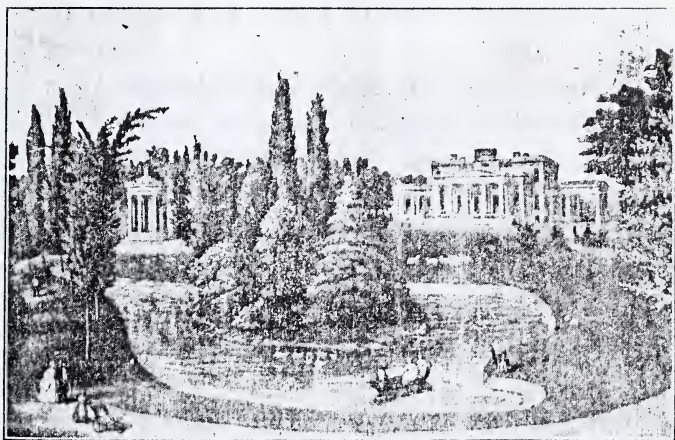
Birmingham may well be called the "Magic City," when one considers its rapid growth since 1871. When it is considered further that Tuscaloosa, Bessemer, Ensley, Fort Payne, Gadsden, Decatur, Sheffield, Florence, Huntsville, and many smaller places of north Alabama are following the example set by Birmingham, some idea can be formed of the great future that awaits the regions of Mineral Alabama.

IV. The Cotton Belt

15. **Extent, Soil, People.**—The cotton belt embraces seventeen counties of central Alabama. It is far-famed as the "black belt," so named from the

black prairie lands covering the greater part of it. It is one of the finest agricultural regions in the world. The lands are full of lime and very productive.

These lands early attracted rich planters. Before the war the large plantations were filled with slaves, who made the region among the most celebrated in history for luxuriant homes in the midst of rural



Gaineswood, the Home of Gen. N. B. Whitfield, near Demopolis

plenty. Thus the black belt became noted for men of wealth, intelligence, and political power. It has largely influenced the political and the social history of the State.

16. A Typical Farm.—Few scenes surpass in interest that of a well-managed black belt farm in summer. The fine dwelling-house of the owner stands in a yard of flowers. Servants' houses and barns for stock and storage are situated in the rear.

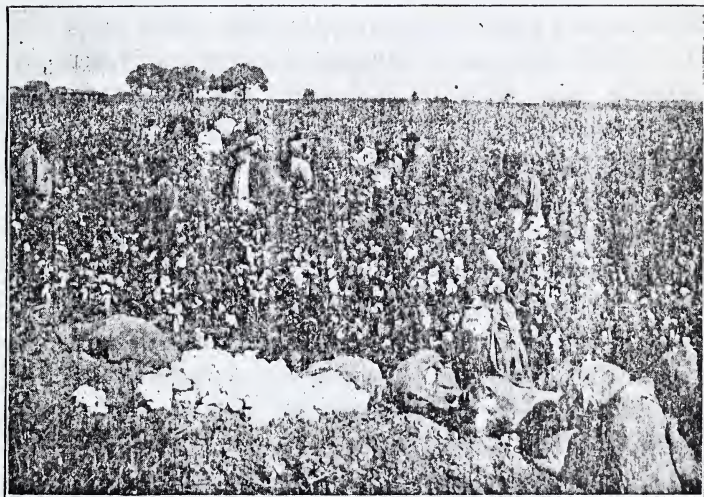
Farther back are negro cabins. Fields of corn and cotton stretch away as far as the eye can see. Tassel and flower give promise of plenty in the coming harvests. Fences formed of rows of mock-orange bushes add to the beauty. Songs of gladness welling from hearts of happy laborers, and timed to the stroke of hoes and the roll of furrows, are heard in the fields. There is an indescribable charm in the blending of so much beauty of scene and song of gladness.

17. Social Life.—These old homes were often filled with happy company. Wealthy families from the Carolinas, Virginia, and Georgia settled within a radius of a few miles from some other neighbor who had gone before to make purchase of lands and to build a home. It thus happened that friends who had been separated were often thrown together as neighbors, and became bound for life in common interests.

These conditions naturally developed social intercourse. Fine horses and carriages made delightful the rides from home to home in the summer seasons, and often tempted neighbors to risk the "bottomless" roads of winter. A friendly spirit pervaded the settlements. Hospitality was open and abundant. Courtesies were as delicate and sure as in the most chivalrous homes of the Old World, and were dispensed with grace as natural and hearty as ever guided lord or lady. The servants took pride in the hospitalities of families, and by thoughtful courtesies added to the pleasures of visitors.

The social spirit has come down from father to son and from mother to daughter. It lives to-day and discloses in manner and language the elevating influences of intelligent and careful rearing in homes of refinement and culture.

18. Crops.—A dense negro population furnishes labor to cultivate the soil. Cotton is yet the main



Picking Cotton

crop for market, the yield being about a half million bales a year. The market value of this cotton crop is about twenty-five million dollars.

Large corn crops and a great deal of hay are raised in this region. People are not relying on the "one crop of cotton and some corn" as in the past. Special attention is given to food crops, and the tendency now is to make the food-crops sustain the farms

and improve the stock. People are making experiments to learn how to till their crops better. They are also raising stock. In the cotton belt cotton-mills, factories, and lumber-mills are numerous and successful.

Dec. 3,
1818

19. Montgomery.—Montgomery,* the capital of the State, is the principal city of the cotton belt. It is situated on the left bank of the Alabama river on a high bluff, which the Indians called *Chun nà nũg' ga Chăť tee*, which means "the red high bluff." It was chartered on December 3, 1818, and became the capital of the State in 1846. It was named for General Richard Montgomery, who fell in battle against the British at Quebec. It has wide, beautifully paved streets, with oaks and magnolias overshadowing the sidewalks. Pretty residences, surrounded by groves filled with flowers and shrubbery, impart beauty and quiet dignity to the city. The capitol stands on a high hill and overlooks the surrounding country.

The city is surrounded by rich farming lands, which every year produce nearly two hundred thousand bales of cotton and large quantities of grain,

*General Thomas S. Woodward tells us that Andrew Dexter of Massachusetts purchased lands about Montgomery at the Milledgeville Sale, and had a Mr. Hall survey them for a town; that J. G. Klinck was granted the first choice of a lot and the privilege of naming the town, which he called New Philadelphia; that Klinck was the first merchant to do business in the town, and said, as he cut down an oak on his lot, "This is the first tree—future ages will tell the tale"; that Alabama Town adjoining was founded by the Scott and Bibb Company, and secured the courthouse; that the two towns were united afterward, and Klinck named the new town Montgomery; that Arthur Moore built and lived in the first house in Montgomery.

fruits, and vegetables. It is in the meshes of railroad systems that branch into every section of outlying territory. It is one of the great business centers of the South, doing more business with farmers than any other city of the State save Mobile.

Great men have lived in Montgomery. The giant orators of days before the war, both in the pulpit and in the courthouse, taught the people lessons of religious virtue, of patriotism and justice that "will go sounding through the ages." It is the birthplace of the Confederacy.

Montgomery is abreast of the age in progress and power, in worthy church enterprises, in magnificent schools, in commercial business, and in charitable impulses. It is strong in great achievements and flush with greater hopes. May Fortune from a full horn continue to pour blessings upon this the capital city of Alabama.

V. The Timber Belt

20. Description.—The timber belt includes fourteen counties in southern Alabama. It is in that region of the South which has been pronounced "the most heavily wooded section of the civilized world, unless it be the uncleared portions of Canada." Its forests contain pine, oak, hickory, beech, ash, cypress, cedar, dogwood, sweet gum, elm, magnolia, bay, poplar, maple, sassafras—in fact, nearly all the woods to be found in temperate and semi-tropical regions. Every county has valuable areas of timber.

21. Lumber Products.—An immense lumber business produces and markets annually millions of feet

of lumber. Vast shipments of tar, pitch, and turpentine, and masts for vessels go from the pine forests of this section. Capitalists have invested many millions of dollars in purchasing the lands and constructing mills and railroads in the timber belt. These mills and railroads are placing on the markets of the world a great variety of woods and naval stores.

22. Agricultural Products.—The lumber belt produces about one hundred thousand bales of cotton annually, and is admirably adapted to truck farming and general food crops. Fruits and melons thrive. This section is blessed with soil and conditions that give profitable yield to many varieties of crops.

23. Cement Industry.—Although cement is manufactured in nearly all parts of the State, most of the cement plants are located in the black belt. A vast amount of money is invested in these plants. Millions of barrels of Portland cement have been shipped from them to Panama for use in the construction of the inter-ocean canal.

SUMMARY

Alabama is remarkably well-watered; navigable rivers, large creeks, and beautiful springs are in every section of the State. It is divided into four great belts. The cereal belt is noted for its production of grain; the mineral belt, in which Birmingham is located, produces enormous quantities of coal and iron; although cotton is grown throughout the State, the largest yield is in the cotton belt; from the timber belt are shipped vast quantities of lumber, tar, pitch, turpentine, and other products. The development of coal and iron mines, the manufacture of cotton goods and lumber, the cultivation of cotton, corn, and other farm products, the extension and enlargement of commercial interests are the principal business of the people of Alabama.

QUESTIONS

1. Give the boundaries of Alabama. 2. Describe its principal rivers. 3. Describe the surface of the State. 4. What is its area, and into what belts is it divided? 5. Give the extent, describe the soil, and name the farm products of the cereal belt; of the mineral belt. 6. Sketch the causes that delayed mineral development. 7. Give an account of the beginning of mineral development. 8. Tell the early history of Birmingham. 9. Describe the growth and prosperity of the city. 10. Name the principal industries of Birmingham. 11. What advantages has the city? 12. Describe "Greater Birmingham." 13. Give the extent and describe the soil and people of the cotton belt. 14. Give a word-picture of a typical farm. 15. Describe social life in the cotton belt. 16. What crops are being raised? 17. Sketch the history of Montgomery. 18. Give the extent and name the products of the timber belt. 19. What is said of the cement industry?

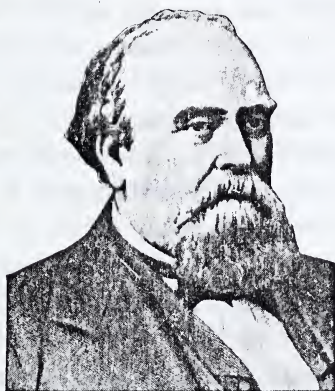
CHAPTER XXXI

ALABAMA IN POLITICS

(1874-1908)

1. Governor Houston.—George Smith Houston, of Limestone, stands out prominently among the Democratic governors of Alabama. He passed a long and distinguished career in public service. He spent

1874
to
1878



George Smith Houston

eighteen years as representative in Congress, retiring in 1861, when Alabama seceded. He was a strong Union man and did not enter the Confederate army, but he refused to take the oath of allegiance to the government of the United States, and he suffered much loss of property at the hands of the Federals. Reform

in politics and the reestablishment of honest measures marked the four years of good government while he was in office.

The first thing that had to be attended to by Governor Houston was to provide a way to meet the heavy debt of the State made during "reconstruction." The general assembly provided for the appointment of three debt commissioners with power

to settle all claims against the State for bonds that had been issued. Governor Houston, Levi W. Lawler, and T. B. Bethea were appointed commissioners. They found the debt to be \$30,037,563, much of it clearly unjust and due to the carelessness and greed of rascally legislators and officials. After a conference between the bondholders and the commissioners, it was determined that the State justly owed a little more than \$9,000,000. New bonds to this amount were accepted by the bondholders in full payment of their claims against the State.

A new State constitution was demanded, and delegates elected to frame it met in convention in Montgomery. This convention was composed of the most distinguished men of the State. The constitution which it framed was such a good one that it was continued in force until the new constitution of 1901 went into effect.

Sept. 6
to
Oct. 7,
1875

While Governor Houston was in office, the salaries of public officers were lessened; the public school system was reëstablished; laws were passed permitting the organization of companies for mining, manufacturing, building railroads, and for doing other business; Federal troops were withdrawn from the State; the amount owed by the State to the University was fixed at \$300,000, with interest at 8 per cent; convicts were hired and made to bring a revenue to the State.

At the end of his second term Governor Houston was elected United States senator from Alabama, and died in that high office on December 31, 1879.

Dec. 31,
1879

1878
to
1882

2. Governor Cobb.—Rufus W. Cobb, of Shelby, was elected without opposition from the Republicans. During his term of office taxes were reduced and their collection was made easier; schools were improved; Mobile, burdened by the debts of "reconstruction," was deprived of its city charter, and a committee was appointed by the governor to wind up its debt; Congress was requested by the legislature to remove the 10 per cent tax on State banks, to establish a national quarantine, and to check the abuse of power by United States officials who tried to collect fees for which there was no law; the railroad commission was created with Captain W. L. Bragg as president, and Captain James Crook and Colonel C. P. Ball as associate members.

1882
to
1886

3. Governor O'Neal.—The next governor of Alabama was General Edward Asbury O'Neal, a trained lawyer and a gallant officer who had led his regiments in the hot battles under Lee in Virginia and under Johnston in Georgia.

April 29,
1886

During his term of office, Congress granted forty-six thousand and eighty acres of land to the State University; normal schools for white teachers were opened in Livingston and Jacksonville; the State department of agriculture began its work under Commissioner Edward C. Betts, of Madison; many reforms in the treatment of convicts were begun; and the foundation for the monument to the memory of Confederate soldiers from Alabama was laid on Capitol Hill, in Montgomery, by Jefferson Davis.

1886
to
1890

4. Governor Seay.—Governor O'Neal was succeeded in office by Thomas Seay, of Hale. Governor

Seay was a thorough gentleman, a distinguished lawyer, and a successful business man. He possessed popular qualities that endeared him to all classes. He was an honor to the State and to his age.

During his term of office the Agricultural and Mechanical College burned; the Normal School at Troy was opened; the penitentiary convicts were leased to the Tennessee Coal and Iron Railroad Company; the Institute for the Deaf was enlarged; the Academy for the Blind was established at Talladega; the Farmers' Alliance was organized; and the legislature appropriated \$50,000 for disabled Confederate soldiers or their widows.

5. Convention of 1890.—Probably the most exciting political convention of Democrats that has occurred since the War between the States was held in Montgomery in 1890. Joseph F. Johnston, Reuben F. Kolb, James Crook, William Richardson, and Thomas G. Jones, five able and popular candidates, were presented for governor. A heated canvass had brought a full number of delegates to Montgomery. Reuben F. Kolb had many more votes than any other candidate—almost enough to nominate him; but by combination of the delegates the nomination fell to Thomas G. Jones. He was duly elected over Benjamin M. Long, the nominee of the Republicans.

1890

6. Rise of the Populist Party.—The delegates for Mr. Kolb believed the combination that brought about the nomination of Mr. Jones was an injustice to their candidate, and they felt a soreness which increased as the matter was discussed in their respective counties. As a result the Populist party

began to grow in numbers. Mr. Jones had been attorney for the Louisville and Nashville railroad. Many people were so prejudiced against railroads that during the campaign he was charged with being the candidate of the wealthy class and of having no sympathy for poor people. It was claimed by many that Mr. Kolb was the friend and champion of the poor and the leveller of the rich. These suppositions were unreasonable and unfair to both the gentlemen concerned.

Two years later Mr. Kolb was the Populist nominee for governor, and Governor Jones the Democratic. Both parties claimed the victory of election, but the Democrats held the office.

1890
to
1894

7. Governor Jones.—Governor Jones was a gentleman “to the manner born,” whose uprightness in peace and gallantry in war commended him to esteem. His two terms embraced a period of great business troubles and labor strikes, and yet he successfully guarded and preserved the State’s interests and credit through the trying period of financial panic.

The State was divided into nine congressional districts; agricultural schools were established at Evergreen and Athens, and provision was made for the Alabama Girls’ Industrial School.

1894
to
1896

8. Governor Oates.—William Calvin Oates, a man of strong personality, successful in business, far-seeing, practical, able, and popular, succeeded Governor Jones in office. He was the Democratic nominee over Joseph F. Johnston, and the people’s choice over Reuben F. Kolb.

During his term business was so dull and money so scarce that the State lacked funds for paying expenses. It could not pay public school teachers as their salaries fell due. Northern banks refused loans to the governor because of the silver plank in the Democratic platform. The Alabama Girls' Industrial School was opened in Montevallo.

9. Governor Johnston.—In 1896, two distinguished Democrats were candidates for governor; the one, Joseph F. Johnston, of Jefferson, believed in having silver money as one of the standards of value in this country; the other, Richard H. Clarke, of Mobile, advocated the business wisdom of holding to gold as the only safe standard. Mr. Johnston won the nomination and the governorship. His Populist opponent in the election was A. T. Goodwyn, a man of high moral character, pure in thought, noble in conduct, capable, and worthy of the confidence of his fellow-citizens; but his party was not strong enough to elect him. For his second term Governor Johnston defeated G. B. Deans, the Populist candidate.

Governor Johnston made his term noted by his appointment of public examiners of accounts, who have gone from county to county, balancing the books and accounts of public officials; by the appointment of back tax commissioners to overlook the books of assessors and force higher valuation upon taxable properties given in too low by the owners; by securing a ten-thousand-dollar special annual appropriation for two years for the University; by economy in expenses; and by faithful efforts to increase the general prosperity.

1896
to
1900

The legislature of 1898-99 provided for holding a convention to revise and amend the constitution of the State. Governor Johnston approved the bill, but afterwards called a special session of the legislature and had the act repealed.

1898

The Spanish-American War occurred during his second term of office. This war gave proof of the patriotism of the South. It showed that, although cherishing the history of the Confederate States, the Southern people place all hope of national power in a united country. Many Alabama troops responded for service.

10. Richmond Pearson Hobson.—The most daring deed of that war was performed by a native



Richmond Pearson Hobson

Alabamian, Richmond Pearson Hobson. When Admiral Sampson disclosed his purpose to "bottle up" the Spanish fleet in Santiago Bay, Lieutenant Hobson planned to take the coal ship *Merrimac* into the channel-entrance to the bay and sink it so as to obstruct the only way by which the Spanish ships could come out.

Seven gallant subordinates volunteered to aid him in carrying out his plan.

It was June 3, 1898, when the wires flashed over the world the news of the sinking of the *Merrimac*,

June 3,
1898

and the heroism that had braved the guns of Morro Castle, the mines of torpedoes, and the flanking batteries along the channel to the entrance of Santiago Bay. Hobson and his companions supposed themselves going to certain death. As the *Merrimac* advanced into the desired position it was blown up by the heroes aboard; shells burst all around it, and shot penetrated its sides as it drifted before sinking. The men grasped a raft-boat as the *Merrimac* sank, and clung to it until the next morning, when the Spanish commander, Admiral Cervera, passed near in a steam launch and took them all aboard. They were imprisoned, suffered hardships, and underwent dangers, being shut up in a fort under bombardment from the United States navy; but not one of them was wounded, and on July 6, at the surrender of Santiago, they were exchanged.

Upon his release Lieutenant Hobson raised the *Maria Theresa*, one of the wrecked Spanish vessels; but this splendid trophy was abandoned and lost in a storm while it was being towed to the United States.

After the Spanish-American War he resigned from the navy, with the rank of captain, and entered politics. In the primary election of 1906 he defeated John H. Bankhead for nomination to represent the sixth district in Congress.

Captain Hobson's home is at Magnolia Grove in Greensboro, Alabama. There he was born on August 17, 1870, and there he prepared for the Naval Academy at Annapolis, where he was graduated with "first honor" in 1889.

1900
to
1901

11. Governor Samford.—The main issue in the political campaign of 1900 was the question of calling a convention to draft a new constitution for the State. William J. Samford, of Lee county, won the Democratic nomination over Charles M. Shelley, John W. Tomlinson, Jesse F. Stallings, and Charles E. Waller. In the general election following, he overwhelmingly defeated Dr. G. B. Crowe, Populist, and John A. Steele, Republican.



William J. Samford

Mr. Samford was a big-brained, big-hearted, well-educated Southern gentleman. Possessing the strong qualities of his gifted father, William F. Samford, he won the confidence and admiration of his fellowmen. He was a profound lawyer, a devout Methodist, and a strong leader of men. He was a member of the constitutional convention of 1875, and had served in both houses of the general assembly and in Congress.

Dec. 1,
1900

Mr. Samford's term was to begin on December 1, 1900, but he was so ill at that time that he could not appear in Montgomery to take the oath of office in the presence of the two houses of the general assembly. By special courtesy of the lawmaking body it was arranged that he could take the oath in his sick room in his home at Opelika. William

Dorsey Jelks, president of the senate, became temporary governor by provision of the constitution of the State. Governor Samford took charge of his office on December 26, though physically unable to stand the strain of the heavy duties. The public approved his few official acts. He died at Tuscaloosa on June 11, 1901. Mr. Jelks succeeded him in office.

Dec. 26
1900

June 11
1901

The general assembly enacted laws for the regulation of child labor in factories, better treatment of convicts, better protection of prisoners, larger appropriations for schools and Confederate veterans, and the creation of the department of archives and history. It refused to confirm the sales of the University lands, which had been made with the approval of Governor Johnston. The buildings and lands at Mount Vernon, which had been granted to the State by Congress, were set aside as a hospital for insane negroes.

12. Constitutional Convention.—"An act to provide for holding a convention to revise and amend the constitution of this State" was passed by the general assembly and was approved by acting-governor Jelks on December 11, 1900. The act further provided that the question of calling a convention and the selection of delegates to it be submitted to a vote of the people. A majority favored the call and the delegates were elected. The convention was composed of one hundred and sixty-five members, many of them the most distinguished men of the State. All but thirteen of them were Democrats. John B. Knox, a distinguished lawyer of Anniston, was chosen to preside over the convention.

May 21
to
Sept. 3
1901

Nov. 28,
1901

After the constitution* had been framed, it was submitted to the people. The records of election returns gave a majority of votes in favor of ratifying it. By proclamation of the governor, it went into effect on Thanksgiving Day, Thursday, November 28, 1901.

13. Railroad Methods Unsatisfactory.—People were beginning to believe that freight rates in Alabama were higher than in Georgia, Mississippi, Tennessee, and other Southern States. The methods of railroads in handling freights and their delay in settling claims had produced widespread discontent. The railroad commission, established in 1881, had got together much valuable information upon commerce and industries. Its history showed that its members were among the best men of the State. They had failed, however, to bring about reform in railroad methods. Many people came to the conclusion that this failure was in large measure due to the

*Under the new constitution the requirements for voting are such as to virtually exclude the masses of negroes from taking part in elections; the limit of tax assessments is fixed at six and a half mills on the dollar, three mills of which are apportioned to public schools; counties are permitted to levy a special county tax of one mill for school purposes; the office of lieutenant-governor was created; provision is made for election of circuit solicitors by the people, and for holding sessions of the legislature every four years; a State executive officer is forbidden to be his own successor; restrictions are placed upon local legislation; and the lawmaking power is vested in a legislature.

Before this time elections were every two years, the lawmaking power was vested in a general assembly, which met every two years, and circuit solicitors were elected by the two houses of the general assembly in joint session.

facts that the members of the commission were appointed by the governor, and that the many courtesies shown to the commissioners by railroad officials made them favorable to railroad interests.

As a result of this dissatisfaction, a number of business men met in Birmingham in 1901 and organized "The Shippers and Buyers Mutual Aid Association of Alabama." In 1902, at the suggestion of Mr. Braxton Bragg Comer, this name was changed to "The Farmers, Merchants and Laborers Association of Alabama." This organization worked hard to elect as legislators men who were favorable to having the members of the railroad commission chosen by the people, and who would give the commission authority to compel railroads to reform their rates and make prompt settlement of claims. The railroad officials denied the charges against their methods of doing business. They also denied the right of the State to interfere with freight rates or dictate the way in which railroads should be run. They supported candidates for the legislature who were thought to be friendly to their interests.

1902

14. Governor Jelks.—Governor Jelks and ex-Governor Joseph F. Johnston sought nomination for governor in the Democratic primary election of 1902. Governor Johnston had opposed the calling of the constitutional convention and had thereby acted against the wishes of a majority of the voters. Governor Jelks was nominated, and he was elected over John A. W. Smith, Republican.

1902

The legislature of 1903 enacted a law for the election every four years of railroad commissioners

by a vote of the people, the first election to be held in November, 1904. The commission was given the power to supervise all railroads in the State; to demand reports from them; to revise tariffs; to hear and determine complaints; to bring suits, and otherwise compel the railroads to give satisfactory service. The governor approved this bill.

Feb. 28,
1903

Oct. 1,
1903

In the second term of this session of the legislature, an amended bill changed the date of the election of two members of the railroad commission from November, 1904, to November, 1906. The effect of this amendment was to continue in office for two years longer the associate railroad commissioners, William T. Sanders and Wiley C. Tunstall, who had been appointed by the governor.

The legislature also enacted laws for establishing a summer school for teachers in the University, for increasing the annual pay to old Confederate soldiers, and for founding an old soldiers' home at Mountain Creek. It appropriated \$150,000 for improving and enlarging the capitol, and provided liberally for normal and industrial schools. It gave power to the board of convict inspectors to work convicts in mines acquired by the State, or to hire them to mine owners.

15. Railroad Commission.—In 1904, Mr. B. B. Comer and John V. Smith were candidates for president of the railroad commission. Mr. Smith was president of the railroad commission by appointment of the governor, and he had a fine record for party service. The campaign was one of the bitterest in the political history of the State. Mr. Smith pleaded

for public confidence in the judgment and fair-mindedness of the directors of the railroads. He was very popular, and many people believed that his attitude towards railroads was right. Mr. Comer had long been the champion of rate reform. He used his wonderful knowledge of the details of railroad business to convince the people that he was fighting for them against the abuse of power granted in licenses to railroads. Mr. Comer was elected and took the oath of office on March 9, 1905.

In April, 1905, the railroad commission met to discuss the rates on fertilizers. By the action of the associate members, the whole question of freight rates was opened and discussed by the commissioners and by railroad officials who were present. Through this discussion Mr. Comer made the public understand that he was not only well informed about railroads but thoroughly convinced that shippers were not being treated justly. He was earnest in his purpose to secure to Alabama as low rates as were given to Georgia and other Southern States. His useless appeal to the governor for the help of a lawyer brought him into closer sympathy with the people of the State.

The sessions of the railroad commission did not reform railroad rates nor change their business methods. The railroads declared that the commission had no right to force them to do anything. They claimed that the constitution had given to the legislature, and not to the commission, the power to "regulate railroad freight and passenger tariffs." In his efforts to enforce the laws passed by the legis-

1905

lature, President Comer was resisted in many ways by the associate members of the commission.

16. Election of 1906.—On account of bad health Governor Jelks was absent from the State for nearly a year. In his absence the office of governor was filled by Lieutenant Governor Cunningham, who had won success as a doctor and business man. Dr. Cunningham's long service in public life had endeared him to hosts of friends who wished to have him succeed to the governorship. In 1906, he and Mr. B. B. Comer were candidates for nomination for that office.

As Dr. Cunningham was a finished orator, his friends thought that his ease of manner and grace of speech would lend such a charm to his politics as to insure his success in the election. These friends also thought that the policies of Mr. Comer would be made to appear extreme because of his positive manner and rugged speech, and that he would certainly be defeated. Mr. Comer, however, proved a good campaign speaker and added to the popularity that he had won as railroad commissioner. He was nominated over Dr. Cunningham by a majority of more than twenty thousand votes. In the November election he defeated Asa E. Stratton, Republican, by more than fifty thousand majority.

1906

17. Senators Morgan and Pettus.—The State Democratic committee nominated General John Tyler Morgan and General Edmund Winston Pettus to be their own successors in the senate of the United States. Although the people wished these aged and beloved senators to be returned to their seats in Congress, many disapproved of the action of the com-

mittee in nominating them, claiming that the committee acted without authority. Presuming that Senators Morgan and Pettus would die before their term of office ended, the committee also arranged for the nomination of two alternate senators to succeed them. Hon. John H. Bankhead and Ex-Governor Joseph F. Johnston were the choice of the people in this election.

The legislature reelected Senators Morgan and Pettus on January 23, 1907.

Jan. 23,
1907



Braxton Bragg Comer

General Morgan, the senior senator from Alabama and one of the most distinguished of American statesmen, died in Washington in the following summer. General Pettus, the other distinguished senator from this State, died soon afterward at Hot Springs, North Carolina. Both were buried in Live Oak Cemetery in Selma.

June 11,
1907

July 27,
1907

13. Governor Comer.—A legislature in sympathy with Mr. Comer was elected. In accepting the office of governor, he made an address which was direct, strong, and full of patriotic pride for the advancement of Alabama interests. Among other things, he urged the regulation of railroad rates, liberal support of schools, generous care of the old Confederate soldiers, the creation of a tax commission

Jan. 11,
1907.

board to equalize taxes, and the passage of a law to regulate child labor. He also recommended that the laws be worded carefully, so that there could be no doubt about their meaning.

All of these matters received favorable consideration from the legislature. The railroad commission bill enlarged the powers of the commission. It was supported by other bills looking to the just control of railroad business in the State. Tax laws and increased appropriations added nearly a million dollars annually to the support of the public schools. Among these appropriations was \$300,000 for the common schools for the year 1907-8, and \$350,000 for every year thereafter. The old Confederates were liberally remembered.

The large sums given to the schools of the State have aroused the people as never before to the importance of giving their children the best educational training. To provide such training for pupils who have finished the common school course, a bill to establish a system of county high schools was passed by the legislature. The passage of this law marks a distinct advance in the school system of the State.

The railroad officials determined to resist the laws which gave the commission the power to regulate railroad business. They appealed to the Federal district court to keep the attorney-general and the railroad commissioners from forcing them to obey the laws. Judge Thomas G. Jones, of the Federal court, decided that the laws should not be put into effect until the attorney-general should show that they were not unjust to the railroads.

One of the bills passed by the legislature named one hundred and ten articles on which the commission could regulate freight rates. This is known as "the one hundred and ten commodity bill." It was repealed at the second term of the legislature, and seven new bills were passed to take its place. Judge Jones ruled that none of these should be enforced.

Governor Comer called an extra session of the legislature. Bills were passed relieving the attorney-general and railroad commissioners of all duties and powers in the enforcement of the rate laws, and giving to every shipper the power of suit against railroads that would not obey the laws.

Judge Jones then issued a sweeping order that no officer nor individual in Alabama should bring suit against the railroads on account of the rate laws. The State appealed to the circuit court of the United States, and the matter now (1908) waits in this court.

During the extra session of the legislature, a law was passed prohibiting the sale of liquor in Alabama after January 1, 1909.

Governor Comer is prompt in the transaction of business, sincere in advising those who apply for favors, strong in helping what he approves and also in opposing what he disapproves. With easy grace he has made those who have come into his office understand that he is proud of Alabama and her people, and jealous of the rights and dignity of the State over which the people have chosen him to preside.

Although Governor Comer made his race for office on the issues of railroad regulation, he has so far

done his greatest work in forwarding the interests of education. The people have responded grandly to the call for better things in the educational system of the State.

SUMMARY

Since the overthrow of Federal military rule, Alabama has recovered from the wreck and desolation of war and reconstruction, and has risen to the prosperity of the present time. It has saved its credit by refunding the enormous debt brought on by carpetbaggers, scalawags, and negroes, lived in peace and progress under the constitutions of 1875 and 1901, passed through money panics, increased its railroad mileage, developed its coal and iron mines, advanced its manufacturing and commercial interests, and improved its schools. Its population is approximately 2,000,000.

QUESTIONS

1. Sketch the life of George Smith Houston.
2. How and by whom was the State debt refunded?
3. Mention the principal events of the administration of Governor Cobb; of Governor O'Neal; of Governor Seay.
4. Describe the convention of 1890.
5. Sketch the rise of the Populist party.
6. What important events occurred during the governorship of Thomas G. Jones; of William C. Oates; of Joseph F. Johnston?
7. What was done by Richmond Pearson Hobson in the Spanish-American War?
8. Describe the election and inauguration of William J. Samford.
9. Give an account of the constitutional convention of 1875; of 1901.
10. In what ways were railroad methods unsatisfactory, and what remedy was proposed?
11. Give a brief sketch of the railroad commission and its work.
12. What were the important events of Governor Jelks' administration?
13. Give an account of Mr. B. B. Comer's election as railroad commissioner, and of his work on the commission.
14. Describe the candidates and issues in the election of 1906.
15. What two senators died in 1907, and how were their places filled?
16. What important bills were passed by the legislature at the suggestion of Governor Comer?
17. Give an account of the contest between the State and the railroads.

ALABAMA
IN
LITERATURE

ALABAMA IN LITERATURE

While it is impossible to give other than a brief treatment of Alabama literature,* it will be pleasant to note a few of the authors whose pens have helped to enrich it. No claim will be laid to James McPherson who compiled the poems of Ossian, and who for many years was governor-general of the Floridas; nor shall there be credited to Alabama anything that has not been inspired by the literary spirit of the nineteenth century. Although the quantity of Alabama literature is small, its quality is excellent and its character varied.



Thomas McAdory Owen

To appreciate thoroughly what Alabama has to its literary credit one must see the *Bibliography of Alabama*, by Thomas McAdory Owen. This work appeared in the *Annual Report* of the American

*It is suggested that the use of "Alabama in Literature" as a text be deferred until the pupil begins the study of literature in the high school.

Historical Association for the year 1897. Nothing else so helpful to the student of Alabama history and literature has been published. It is a monument to the broadening spirit of State culture, and will give Alabama a more honorable place in the world of letters.

Among the other valuable works of Dr. Owen may be mentioned *A Bibliography of Mississippi*, *Annals of Alabama* from 1819 to 1900, which brings up to the beginning of this century the *History of Alabama* by Albert James Pickett, *Report of the Alabama History Commission*, volumes of *Transactions* of the Alabama Historical Society, a volume of the *Gulf States Historical Magazine*, and successive volumes of the *Alabama Official and Statistical Register*. He has also written many interesting articles bearing on the histories of families and military commands, and on other matters affecting the State. He is the Director of the Department of Archives and History for the State of Alabama, and he has gathered and arranged for the student of Alabama history a vast amount of historical records, such as old newspaper files, maps, letters, speeches, documents, curios, portraits, and pamphlets.

The pens of Alabama authors were at work during its early history. Judge Harry Toulmin discussed the principles of law in a *Magistrates' Guide* and in a *Digest of the Laws of Alabama*. In contributions to periodicals throughout the United States, he invited attention to the Southwest.

Some half a hundred prominent writers have engaged in the work of describing the early explora-

tions and the winning of the Southwest from the savage tribes, weaving romantic incidents into the bloody years of battle that sent the red man a pensioner beyond the Father of Waters. Though the tribes have vanished, their language still lives in portions of the basic forms of Alabama literature. This fact is clearly noticeable in the beautifully blended song of Alexander B. Meek. Continuing the metric thought of Mrs. Lydia Huntley Sigourney,* and catching the Indian words in the geography of the State, he says:

Yes! though they all have passed away,—
That noble race and brave,—
Though their light canoes have vanished
From off the crested wave;
Though 'mid the forests where they roamed
There rings no hunter's shout,
Yet their names are on our waters,
And we may not wash them out;
Their memory liveth on our hills,
Their baptism on our shore,
Our everlasting rivers speak
Their dialect of yore;
'Tis heard where Chattahoochee pours
His yellow tide along;
It sounds on Tallapoosa's shores,
And Coosa swells the song;
Where lordly Alabama sweeps,
The symphony remains;
And young Cahawba proudly keeps
The echo of its strains;
Where Tuskaloosa's waters glide,
From stream and town 'tis heard,
And dark Tombeckbe's winding tide
Repeats the olden word:

*The first eight lines were written by Mrs. Sigourney.

Afar where nature brightly wreathed
Fit Edens for the free,
Along Tuscumbia's bank 'tis breathed
By stately Tennessee;
And south, where from Conecuh's springs
Escambia's waters steal,
The ancient melody still rings,—
From Tensaw and Mobile.

In Tuskaloosa many years ago, the gifted genius of Reverend Albert A. Muller delighted for a score or more of years and then burnt itself out in dissipation. He was a poet of such high order that it was said of him: "He might have left an *Iliad*, singing of softer beauties than Helen's, greater daring than Diomed's, wider desolation than Troy's, repeating and celebrating loves as pure as those of Hector and Andromache, and thundering with woes deeper than those of Priam and Hecuba"; and that "to the Elysium, where great spirits do congregate after death, Horace and Vergil would welcome the timid approach of his shade."

Dr. Henry Tutwiler, Judge William R. Smith, and other eminent critics have given high praise to his *Sunset at Rome*; this is a poem which pictures the thoughts of the muse as the sun declines and—

"its mellow'd light
Falls on the far-off Tuscan's rocky height,
And sends its last blush o'er the yellow wave
Where Tiber winds beneath Metella's grave."

The poem follows the history of "far-famed Italia," and shows the glories of the olden time, when men of genius and fame met in her myrtle

groves; when eloquence and song warmed the soul of patriot and of poet; it recalls buried greatness, and, tracing the influence of letters, it glorifies Horace—

“The Attic wit whose genius fanned the flame
That lent its fires to gild the Augustan name.”

In praise of Vergil it portrays the joys of boyhood in midnight vigils, listening to the clash of Trojan arms, and breathing with Æneas the filial vows to his aged sire; and then it addresses the Mantuan's shade:

“Illustrious Maro! Rome still reigns for thee;
Thy fame decrees her immortality:
Gone are her glories, sunk her mighty throne,
Her kings have perished and her victories flown;
Arts have decayed, and lettered wisdom sleeps
Within that tomb where lie its treasur'd heaps;
Yet thy pure spirit lives throughout her clime,
To swell the measure of its deathless rhyme;
And thy proud language still adorns her page,
The charm of youth, the pride of every age.”

Mrs. Caroline Lee Hentz, who was Miss Whiting, of Massachusetts, came to Alabama with Professor N. M. Hentz, her husband, in 1834. She had already tasted the sweets of literary success. Among other victories she had won five hundred dollars for the prize poem, *De Lara*, or *The Moorish Bride*, offered in competition by invitation of Mr. Pelby, of the Boston Theatre. Her residence in Alabama, Georgia, and Florida put her in sympathy with the Southern people, and her works are delightful portraits of the habits and better life of the people of her adopted home. Among her best works may be mentioned

Linda; or The Young Pilot of the Belle Creole, and *Robert Graham*, its sequel; *Marcus Warland*; *Rena*; *The Planter's Northern Bride*; and *Ernest Linwood, or The Inner Life of the Author*. Mrs. Hentz is among the few writers of fiction who have laid the scenes of their stories in Alabama. William Gilmore Simms selected the rugged woods about Tuskaloosa for his *Richard Hurdis*, and told the story of De Soto and his expedition in *Vasconcelos, a Romance of the New World*.

Mrs. Octavia Walton Le Vert, in *Souvenirs of Travel*, has expressed with charming grace her travels and experiences in the better circles of European society. As Mrs. Le Vert was the first American woman to enter the social circles of the Old World nobility, her descriptions gave much pleasure to the reading public, and placed her among the delightful entertainers in the world of letters.

Joseph G. Baldwin, for years a resident of Sumter county, won abiding reputation by his *Party Leaders* and *Flush Times of Alabama and Mississippi*, which appeared in 1853. These are characteristic works, dealing with the great masters in politics, and throwing flashlights of the most sparkling wit upon conditions and people. In *Party Leaders* there is the serious discussion of great men and their great work in history. In *Flush Times* the true history of men and incidents is told in terms known only to those who were fortunate to live with the author, or in the scenes he portrays. No one who has read this brilliant author's works can ever forget Ovid Bolus, Esquire, for whom facts were too stale and who had

to live upon creations of the imagination, or die on the rack of genius unemployed; nor old Sarcasm, finding fault with the younger members of the bar; nor the droll minister giving testimony in the assault case; nor Squire A and the Fritters; nor anything that Baldwin ever wrote. Willis Brewer quotes from Colonel Thomas B. Wetmore: "Oh! for an hour's talk with some man like him, wearing his humanity as he used to wear it, with his hat about to turn a back somersault from his head, with his forehead growing broader, and his eyes sparkling brighter, as he advanced in anecdote, till he was shut out from vision by the tears his mirth created, and we were compelled to feel that there was at least one great man that could be funny."

Johnson Jones Hooper had a mind very much like that of Baldwin. He ranked high as a serious journalist and advocate. His recognized abilities made him secretary of the Confederate Congress, and yet his fame rests upon the rollicking humor of his *Adventures of Captain Simon Suggs*, a work of which he was heartily ashamed as he rose in public esteem.

Dr. F. A. P. Barnard, for some time a member of the faculty of the University of Alabama, and for years afterward president of Columbia College, New York, was a constant contributor to current literature. While in Alabama he made valuable scientific discoveries, contributed strong political articles to newspapers and magazines, and in lighter moods wrote love ditties and numerous stories for press and friends.

The *History of Alabama*, by Albert James Pickett, stands without a peer in the period it covers. Upon it Mr. Pickett spent years of research, contributing freely of a large fortune to discover the materials in private and public libraries and to hear from living witnesses the facts connected with historical events. With Owen's *Annals* added, it has become doubly valuable as a book of reference.

Joseph Hodgson wrote *The Cradle of the Confederacy; or the Times of Troup, Quitman, and Yancey*. In this book he argues the justice of the South in resenting the encroachments of the North and resisting in war the destruction of the constitution of the United States.

John Witherspoon DuBose, as newspaper editor and contributor to the *Philadelphia Times*, the Bir-



John Witherspoon DuBose

mingham *Age-Herald*, the *Montgomery Advertiser*, and other papers, has continuously added to the historical literature of the age. Mr. DuBose is especially interesting as a writer on the subject of politics, slavery, ante-bellum society, constitutional law, and Southern chivalry. His *Sketch of Alabama* drew commendations from the

chief of the bureau of statistics in Washington, both on account of its statistical accuracy and its literary

charm of style and substance. His best works are *The Life of Général Joseph Wheeler* and *The Life and Times of William Lowndes Yancey: A History of Political Parties in the United States from 1834 to 1864; especially as to the Origin of the Confederate States*. The latter work has been pronounced by the *Boston Globe* "the best contribution of the South to Southern history"; and by Senator John Tyler Morgan, "A prose epic of rare and charming power. No chapter in our history will ever excel it."

Two most compact volumes of valuable personal sketches are William Garrett's *Reminiscences of Public Men in Alabama*, and Willis Brewer's *Alabama: Her History, Resources, War Record, and Public Men*. These books touch so many men and matters of Alabama that they should be found in every home in the State. Only by the influence of great examples can a people be inspired to great achievements, and the history of those who have built the State should be within the reach of the youth of the land.

The Memorial Record of Alabama, compiled by Brant and Fuller, is a two-volume work of personal history, later and larger than the works of Garrett and Brewer. It gives but scant mention of the great founders of the State except as they are incidentally connected with the political, military, judicial, and religious history, or as they necessarily appear in the discussion of education, industries, railroads and navigation, banking, medicine, and journalism. The chapters on these subjects were written by

Hannis Taylor, General Joseph Wheeler, Willis G. Clark, Thomas H. Clark, Hilary A. Herbert, Dr. Jerome Cochran, and W. W. Screws. The personal sketches are interesting, being written by the persons themselves or by their friends. They are, however, too full of praise to have the full force and dignity of history.

Alabama claims an interest in Sidney Lanier, whose life and verses have invited study from the great scholars and lecturers of the age. His *Science of English Verse* is a work of remarkable merit, being an attempt to explain the reasons and principles underlying the charms of poetry. Mr. Lanier was probably the greatest flute-player of his day, and his poems embody the subtle strains and melody-suggesting features of the author's own sensitive soul. His *Symphony*, *Marshes of Glynn*, *Corn*, *Sunrise*, and *My Springs* are among the finest poems of the English language. *My Springs* evidences the author's wonderful trust in God, and speaks the gratitude of a great soul looking through the mists of misfortune into the eyes of his beloved wife; it closes with the tribute—

“Dear eyes, dear eyes, and rare, complete,
Being heavenly sweet and earthly sweet,
I marvel that God made you mine;
For when He frowns, 'tis then ye shine.”

Clifford A. Lanier, a brother of the poet, is a resident of Montgomery. His lectures and his writings are in keeping with the cultured taste and native abilities of his family. He has written on many subjects for magazines and newspapers. His prin-

cipal works are *Apollo and Keats*, *The Doctor's Legend*, and *Thorn Fruit*.

Father Abram Joseph Ryan, of Mobile, singing sublime dirges over the sufferings of his country-



Abram Joseph Ryan

men, and writing beautiful stories of love and faith, was a distinguished man of letters. His eloquence and patriotism had much to do with the way in which the people of the South thought about morals and politics. Many a boy and many a girl has felt the glow of sublime devotion to home and friends, to the good and

the true, by reading his poems. *The Sword of Lee* and *The Conquered Banner* are two of his best poems.

THE SWORD OF LEE

Forth from its scabbard, pure and bright,
 Flashed the sword of Lee!
 Far in the front of the deadly fight,
 High o'er the brave in cause of Right,
 Its stainless sheen, like a beacon light,
 Led us to victory.

Out of its scabbard, where, full long,
 It slumbered peacefully,
 Roused from its rest by the battle's song,
 Shielding the feeble, smiting the strong,
 Guarding the right, avenging the wrong,
 Gleamed the sword of Lee.

Forth from its scabbard, high in the air,
 Beneath Virginia's sky—
And they who saw it gleaming there,
And knew who bore it, knelt to swear
That where that sword led, they would dare
 To follow and to die.

Out of its scabbard! Never hand
 Waved sword from stain so free,
Nor purer sword led braver band,
Nor braver bled for a brighter land,
Nor brighter land had a cause so grand,
 Nor cause a chief like Lee.

Forth from its scabbard! how we prayed
 That sword might victor be;
And when our triumph was delayed,
And many a heart grew sore afraid,
We still hoped on, while gleamed the blade
 Of noble Robert Lee.

Forth from its scabbard, all in vain
 Bright flashed the sword of Lee;
'Tis shrouded now in its sheath again,
It sleeps the sleep of our noble slain,
Defeated, yet without a stain,
 Proudly and peacefully.

THE CONQUERED BANNER

Furl that Banner, for 'tis weary;
Round its staff 'tis drooping dreary;
 Furl it, fold it, it is best;
For there's not a man to wave it,
And there's not a sword to save it,
And there's not one left to lave it
In the blood which heroes gave it:
And its foes now scorn and brave it:
 Furl it, hide it—let it rest.

Take that Banner down! 'tis tattered;
Broken is its staff and shattered;
And the valiant hosts are scattered
 Over whom it floated high.
O 'tis hard for us to fold it;
Hard to think there's none to hold it;
Hard that those who once unrolled it
 Now must furl it with a sigh.

Furl that Banner, furl it sadly!
Once ten thousands hailed it gladly,
And ten thousands wildly, madly,
 Swore it should forever wave;
Swore that foeman's sword should never
Hearts like theirs entwined dis sever,
"Till that flag should float forever
 O'er their freedom or their grave!

Furl it! for the hands that grasped it,
And the hearts that fondly clasped it,
 Cold and dead are lying low;
And that Banner—it is trailing!
While around it sounds the wailing
 Of its people in their woe.

For though conquered, they adore it!
Love the cold dead hands that bore it!
Weep for those who fell before it!
Pardon those who trailed and tore it,
But, Oh! wildly they deplore it
 Now who furl and fold it so.

Furl that Banner! True, 'tis gory,
Yet 'tis wreathed around with glory,
And 'twill live in song and story
 Though its folds are in the dust:
For its fame on brightest pages
Penned by poets and by sages,
Shall go sounding down the ages
 Furl its folds though now we must.

Furl that Banner, softly, slowly!
Treat it gently, it is holy,
For it droops above the dead.
Touch it not—unfold it never—
Let it droop there, furled forever,
For its people's hopes are dead.

Henry Linden Flash published in 1860 an excellent little book of poems. During war times some of his poems were published in newspapers, and they were well received. Soon after the war he moved to the West and engaged in general merchandise. He lives now in Los Angeles, California. A new book of his has lately been published.

A lady who had read with pleasure some of Mr. Flash's beautiful verses wrote advising him "not to neglect the muses, but to go on until his name was carved on the loftiest pinnacle of fame's tower." He answered her in verse, humorously confessing that his name was painted on a six-foot sign and nailed to a wooden shanty, telling to all the world that he would sell for cash all kinds of western produce. He concluded:

The truth is, love, this age of ours
Indignantly refuses
To take, in payment of our debts,
The produce of the muses;
"Twould seize upon the tuneful nine,
And set the jades to grinning;
The fates it tolerates because
The hags are always spinning.

"And so, lest I be deemed a drone
And be by men forsaken,
I hide my harp from prying eyes,
And deal in corn and bacon.

I talk with eager, business men
Of trade and current prices;
Of Egypt too—the cotton theme—
But not a word of Isis."

Mrs. I. M. P. Ockenden, of Montgomery, a daughter of Judge Benjamin F. Porter, is a graceful writer. Albert Pike offered the literary form of *Dixie* during the war, but Mrs. Ockenden has contributed the peace-poem—

AWAY DOWN SOUTH IN DIXIE

In Dixie cotton loves to grow,
With leaf of green and ball of snow;
Here wave the golden wheat and corn,
In Dixie land where I was born—

Come away down South in Dixie.

In Dixie gayest roses bloom,
The jasmine yields its rare perfume;
And here the sea-breeze haunts the South,
With orange-blossoms in his mouth—

Come away down South in Dixie.

In Dixie land we love to give
With generous hand—we love to live
With cheerful light and open door:
What matter if the wind doth blow?

The heart is warm in Dixie.

The Dixie skies are bonnie blue,
And Southern hearts are warm and true,
Let there be love throughout the world,
The pure white flag of peace unfurled
Floats away down South in Dixie.

In Dixie it is sweet to rove
Through piney woods and sweet-gum grove;
And hark! the rebel mocking-bird,
With sweetest song you ever heard,
Sings away down South in Dixie.

In other lands 'tis sweet to roam,
But Dixie land is home, sweet home,
And Southern maid, with simple song,
Loves dear old Dixie, right or wrong.
God bless the land of Dixie!

Miss Kate Cumming, in *Gleanings from Southland* and *Hospital Life in the Confederate Army*, has told the patriotic stories of devotion to the Confederate cause. Her works deal with incidents that she witnessed during the War between the States, and with facts and conditions following in the wake of war.

Mrs. Augusta Evans Wilson cannot be quoted sufficiently to give a correct impression of her writings.



Mrs. Augusta Evans Wilson

It may be said, however, that she ranks among the greatest novelists of the American continent. Her novels have stood the test of severest criticisms and have grown in popular favor. She is pure in thought, noble in sentiment, learned and tender, and yet bold to measure thought with the most daring writers of fiction. Her novels are *Inez*, *Beulah*,

Macaria, *St. Elmo*, *Vashti*, *At the Mercy Of Tiberius*, *Infélice*, *A Speckled Bird*, and *Devota*. They must be read to be appreciated.

T. C. De Leon is the author of some very interesting books. He has written *St. Twelmo*, a sequel to *St. Elmo*; *The Rock or the Rye*, a sequel to *The Quick or the Dead*; *Schooners that Bump On the Bar*, a sequel to *Ships That Pass in the Night*, and several novels descriptive of Southern society and Southern sentiments.

Dr. William Stokes Wyman, for half a century a professor and several times president of the University of Alabama,



T. C. De Leon

has published some delightful short poems and a number of valuable historical articles. His friends regret that he has not been more generous with his pen. He is a profound historian and a master of several languages. His knowledge of the Indian tribes and the early settlers of Alabama is especially thorough. He is a warm lover of the muses, and is not only gifted with the happy faculty of painting in wondrous colors the scenes and incidents of history, but he breathes the spirit of the poet. How sweetly touching and how musically rhythmic are his verses can be partially judged from—

THE WIZARD STREAM

I launched my boat on a wizard stream
In the morning's early glow;

I watched the waters sparkle and gleam,
And the wavelets come and go.
The winds that swept from the flowery lea
Were laden with odors sweet,
And my soul was attuned to the melody
Of the Naiad's tinkling feet.

"Whence art thou, bonny brook," I said,
"That singest so soft and low?
Where in the hills is the pebbly bed
From which thy waters flow?"
The breezes held their odorous breath,
And the flowers bent low to hear;
But the nymph's low laugh in the depth beneath
Alone fell on my ear.

All day reclining in my boat,
I float far down the stream,
My soul adrift on the tide of thought
As in a charmed dream.
At eve I awake—to dream no more;
Mid storm and flying scud,
I see the wild waves lash the shore,
My brook is now a flood!

"Whither art rushing, O mystic tide,
Whither so restlessly—
Into some ocean drear and wide,
Or into some peaceful sea?"
I hear no voice but the sea-wraith's cry,
No sound but the wind's loud moan,
While the night sweeps down from a starry sky,
I drift toward the dark unknown.

Professor Warfield Creath Richardson is the author of numerous magazine and newspaper articles. His style is delightfully easy and versatile, and his language is a "well of English undefiled." His best poem is *Gaspar; A Romaunt*. His daughter, Mrs. Belle R. Harrison, has inherited his poetic

talents, and in addition to occasional pieces appearing in current periodicals she has published a book of poems.

Peter Joseph Hamilton, beginning with *The Bric-a-Brac*, the students' annual of Princeton College, and continuing in literary efforts, presented *Rambles in Historic Lands*. His best work is *Colonial Mobile*, embracing the history of that famous city from its birth to the year 1821.



P. J. Hamilton



Eugene Allen Smith

Dr. Eugene Allen Smith, the State geologist, with prolific pen has told the testimony of the rocks, of the vegetables, of the climate, and of nearly everything that has demanded scientific investigation in Alabama. His reports, bulletins, maps, and other publications contain the researches and discoveries of more than three decades of special work in scientific fields.

Dr. Thomas Chalmers McCorvey has given to the press letters on the *Protestant Episcopal Diocese of Alabama*, *The Alabama Creeks*, *Some Famous Southern Poems*, *Alabama in the Domain of Letters*,



Thomas Chalmers McCorvey



George Petrie

Southern Cadets in Action, *Life of Major James William Abert Wright*; he has published a magazine article on the *Life of Professor Henry Tutwiler*, and he is the author of *The Government of the People of the State of Alabama*.

One of the most energetic and gifted writers of Alabama is Dr. George Petrie. Not so much for the amount of his literary products as on account of the spirit of his work is he to be commended. As teacher of Latin and history in the Alabama Polytechnic Institute, he is making special investigation of the history of Alabama, and is directing his works so as to develop in others the spirit of historical research.

Mrs. Elizabeth W. Bellamy, "Kamba Thorpe," wrote *Four Oaks*, *The Little Joanna*, *Old Man Gilbert*, and *Penny Lancaster, Farmer*.

Bishop R. H. Wilmer made a valuable contribution to the State's literature in *The Recent Past from a Southern Standpoint*.

Hannis Taylor has won a world-wide reputation by his great work entitled *Origin and Growth of the English Constitution*, and by his later work on the relation of international laws.

Dr. Josiah C. Nott made a deep impression on his times by publishing the results of his scholarly investigation of yellow fever and its causes. His literary fame, however, is due more especially to *Indigenous Races of the Earth*, of which George R. Glidden was co-author.

Dr. Samuel Minturn Peck is ranked among the great lyric poets, and he is loved for his sunshiny spirit and clever verses.

His lyrics are as sweet as flowers and birds and air and sky and youth can make them. Many hearts have been made to beat with fresher joy when stirred by the melody of his *Cap and Bells*, *Rings and Loveknots*, *Rhymes and Roses*, as he has named his volumes. His poetry is so full of sweet images of love and gladness that under their spell old



Samuel Minturn Peck

Ponce De Leon would have found some comfort for the undiscovered fountain of perpetual youth. His *Alabama Sketches* is a collection of interesting short stories.

William Russell Smith was probably the most versatile and voluminous writer the State has produced. His works embrace a wide range of subjects and display an intellectual genius of high order. For nearly eighty years he was a resident of Alabama, and noted her rise in power and influence; her struggles in war; her loss of statehood and her woes during "reconstruction"; her new political redemption and her marvellous industrial and commercial advancement. Though he cast his vote against the "Ordinance of Secession," he accepted the judgment of his State and entered her armies in defense of her soil. In all the history of his times he never ceased to give forth the products of his pen. His entrance into business life was marked by an intense interest in letters which made him well-known for scholarship, and which opened wide the doors to the best homes of society. His companions and friends were among the most literary and learned, whose respect and admiration outlived all the checkered policies and politics of an era that tested the souls of men. His high genius rose above the storms of parties, and found constant delight in books and literary company.

He loved the old masters, and translated the *Iliad* of Homer for the use of schools. He contributed largely to wit and humor, essayed tragedy, poetry, the novel, history, and biography. His *History and*

Debates of the Secession Convention is a book of rare merit. It contains the speeches of the patriots who were anxious to guide the State through the impending crisis—speeches which to-day seem prophecies. His *Reminiscences* casts in happy pictures the character and conditions of men whom he knew and with whom he came into contact. He was an able lawyer, a learned judge, and a congressman who, immediately upon entering the house of representatives, won a notable prominence by his opposition to the measures in behalf of Louis Kossuth (kōs sōōth'). *The Uses of Solitude* is perhaps his best work in poetry. It bristles with inspiration, touching many of the immortal names that live in deeds of greatness. A single quotation will suggest its strain:

The man of lofty genius, who consorts
With Labor as a chosen mate, and sits
And talks with her as conjugal, and leans
Confiding on her fondly for support—
That man meets few denials; to his eye
Nature reveals all secrets; to his ear
Selectest melody is ever shaped,
And harmonies divine enchant his soul.
The chest of ancient lore, whose ponderous lid
Is never lifted to the indolent,
To him is open thrown, and all its gay
And gaudy contents are spread out before him
As if the ages past had gathered them
For his especial use.

In 1811, the *Mobile Centinel*, the first newspaper in Alabama, was established at Fort Stoddert by Hood and Miller. Probably the most distinguished editor the State has had was John Forsyth, of the Mobile

Register. Thaddens Sanford, Jones M. Withers, C. C. Langdon, J. E. Saunders, and others have won enviable reputations as editors; but John Forsyth stands as the intellectual champion who met the breakers of stormy politics and the convulsions of "reconstruction" with a pen bold and incisive, and with a diction that mingled the purest classicism with the warm life of the people.

Jeremiah Clemens, brilliant and versatile, was both an author and a politician. His most popular novels are *Bernard Lile*, *Mustang Gray*, and *The Rivals*. These are historical romances dealing with the times of the Texas struggle for independence and with the jealousies of Burr and Hamilton.



Miss Mary Johnston

Miss Mary Johnston, in *Prisoners of Hope*, *To Have and to Hold*, *Audrey*, and *Sir Mortimer*, has given graphic life-pictures of colonial Virginia and of the Elizabethan age. In *A Goddess of Reason* she has portrayed the scenes of the French Revolution. She ranks with the few authors of this competitive age who have distanced

all others in historical romances.

Mrs. Virginia Clay-Clopton, in *A Belle of the Fifties*, has told in reminiscent vein the social and

political history of the times in which she has lived. Reared in Tuskaloosa, and married to Senator Clement C. Clay, Jr., and then to Judge David Clopton, she has seen much of public life and has met many distinguished men. Her graphic descriptions of persons and events give charm to her book and add largely to its value as a contribution to literature and history.



Mrs. Virginia Clay-Clopton

Nearly every department of literature has been successfully undertaken by Alabamians. It is with profound regret that want of space forbids mention of hundreds of other literary men and women whose lives have pointed through letters to the purest and best in thought and deed. Among the many authors and books that deserve more than a passing notice are Dr. J. L. M. Curry's *Southern States of the American Union* and *History of the Civil Government of the Confederate States*, Dr. John Allen Wyeth's *Life of General Nathan Bedford Forrest*, Walter L. Fleming's *Reconstruction in Alabama* and *History of the Ku Klux Klan*, Dr. B. F. Riley's *History of the Baptists in Alabama*, Dr. Anson West's *History of Methodism in Alabama*, Reverend Walter C. Whitaker's *History of the Protestant Episcopal Church in Alabama*, Miss Louise Manly's *Southern Literature*, Mrs. Virginia V. Clayton's

White and Black under the Old Régime, and Halbert and Ball's *The Creek War*.

Miss Julia Strudwick Tutwiler has been welcomed by the magazines and press of the Union as one of the strong and interesting writers of this many-souled century. Both prose and verse have claimed tribute from her talents. We close this chapter with her patriotic poem:

ALABAMA

Alabama, Alabama,
We will aye be true to thee,
From thy Southern shore, where groweth
By the sea thine orange tree,
To thy northern vale where floweth,
Deep and blue, thy Tennessee.

Alabama, Alabama!
We will aye be true to thee!

Proud thy stream whose name thou bearest,
Grand thy Bigbee rolls along;
Fair thy Coosa—Tallapoosa—
Bold thy Warrior, dark and strong;
Watered like the land where Moses
Climbed lone Nebo's mount to see,

Alabama, Alabama!
We will aye be true to thee!

From thy prairies, broad and fertile,
Where thy snow-white cotton shines;
To the hills where coal and iron
Hide in thy exhaustless mines;
Honest farmers, strong-armed workmen
Merchants, or what'er we be,

Alabama, Alabama!
We will aye be true to thee!

From thy quarries where the marble
White as that of Paros gleams,
Waiting till the sculptor's chisel
Wakes to life thy poet's dreams—
For not only wealth of nature:
Wealth of mind hast thou in fee;
Alabama, Alabama!
We will aye be true to thee!

Where the perfumed south-wind whispers
Thy magnolia groves among,
Softer than a mother's kisses,
Sweeter than a mother's song;
Where the golden jessamine trailing
Wooes the treasure-laden bee,
Alabama, Alabama!
We will aye be true to thee!

Brave thy men and true thy women,
Better this than corn and wine;
Keep us worthy, God in Heaven,
Of this goodly land of Thine.
Hearts are open as our door-ways,
Liberal hands and spirits free;
Alabama, Alabama!
We will aye be true to thee!

Little, little can I give thee,
Alabama, mother mine!
But that little—heart, brain, spirit—
All I have and am are thine.
Take, O take the gift and giver,
Take and serve thyself with me;
Alabama, Alabama!
We will aye be true to thee!

APPENDIX

Events in the History of Alabama

- 1540, Oct. 18. Battle of Mauvilla.
1540, Nov. 29. De Soto passed out of Alabama into Mississippi.
1629. Alabama territory embodied in Carolina grant to Sir Robert Heath.
1663. Alabama territory embodied in Carolina grant to Monk, Shaftesbury, and others.
1682-1685. La Salle passed down the Mississippi river, took possession of its valley for Louis XIV, of France, and named it Louisiana.
1698, Sept. 24. Iberville sailed from Rochelle (Brest), France, to make settlements in Louisiana.
1699, Jan. 31. Iberville refused permission to anchor in harbor of Santa Rosa (Pensacola), sailed west and discovered Massacre, now Dauphin, Island.
1699, Feb. 22. Iberville entered the Mississippi river.
1699, May 1. Fort Biloxi begun.
1699, Aug. 16. Bienville, descending the Mississippi, met the English Captain Barr, and turned him back.
1702, Jan.—. Bienville made settlements on Massacre Island, and at Fort Louis de la Mobile.
1702. France and Spain agreed to the Perdido river as the line of partition for their American possessions.
1704, July 24. Twenty-three French girls arrive at Fort Louis to become wives of colonists.
1711. Mobile permanently established on its present site.
1711. French settlers on Massacre Island plundered by pirate ship from Jamaica.
1712, Sept. 14. Louisiana chartered to Antoine Crozat.
1713, May 17. Lamotte Cadillac, governor, and other officers under Crozat landed on Massacre Island.
1717, Mar. 9. L'Épinay, governor under Crozat, arrived at Mobile.
1717, Sept. 6. Western or India Company acquired Louisiana.
1719, May 14. Bienville captured Pensacola.
1719, Aug.—. French repulsed Spaniards who bombarded the settlement on Massacre Island.
1720, Dec. 20. Seat of government transferred to New Biloxi.

- 1721, Mar. 17. Ship *Africaine* arrived at Mobile with one hundred and twenty of three hundred and twenty-four negroes embarked from Guinea. This was the first introduction of African slavery into the Louisiana colony. \$176 was the price of a slave.
- 1722, Aug. 22. Garrison at Fort Toulouse mutinied and killed Captain Marchand, the French commandant.
1723. Seat of government of Louisiana transferred to New Orleans.
1723. Bienville restored Pensacola to Spain.
- 1723, Sept. 11-13. Great hurricane swept Louisiana.
- 1729, Oct. 28. Terrible massacre of the French at Natchez.
1733. General Oglethorpe settled colony at Savannah, Georgia.
1735. British Fort built at Ocfuskee on the Tallapoosa river.
1735. Fort Tombeche (now Jones' Bluff) on the Tombeche river established by Bienville.
1737. George Galphin, an Irishman, began trading with the Indians.
- 1736, May 26. Bienville defeated at Ackia by the Chicksaws. The French were again defeated here in 1752 by the Chickasaws.
- 1743, May —. Bienville resigned governorship of Louisiana and returned to France.
1746. Alexander McGillivray born at Little Tallase.
1758. Captain Bessu made voyage up Alabama and Tombigbee rivers.
1768. Bienville died in France.
1772. First cotton-gin in use. (See Pickett's *Alabama*, p. 326, new edition.)
- 1772, Aug. 30-Sept. 3. Tremendous storm at Mobile and along the Gulf.
1777. William Bartram journeyed through Alabama.
1781. William Pantan in trading-house at Pensacola.
- 1782, Nov. 30. Preliminary Treaty of Peace between United States and England relinquished to United States all territory east of the Mississippi river down to 31° north latitude.
- 1798, Apr. 7. Mississippi Territory created by Act of Congress.
- 1800, Oct. 1. Spain secretly transferred Louisiana to France, except that portion south of 31° between the Mississippi and the Perdido rivers.
- 1801, Oct. 27. General James Wilkinson, at Natchez, treats with Chickasaws for highway from Cumberland district to Natchez; built Fort Stoddart; December 8, treated with Choctaws for road from Fort Adams to Yazoo river, and with Creeks, on June 16, 1802, for large cessions east of a line from the Oconee to Ellicott's Mound, on the St. Mary's river.

- 1802, Apr. 24. Georgia surrendered to United States for \$1,250,000 all her claims to land of Mississippi Territory.
1802. Cotton-gins built at Weatherford's "Race Track," Boatyard, and at McIntosh Bluff.
1803. Lorenzo Dow, Rev. Tobias Gibson, and Mr. Brown, Methodists; Revs. Montgomery and Hall, Presbyterians; Rev. David Cooper, Baptist, and Dr. Cloud, Episcopalian, began, by preaching and example, "to soften and refine the people, and to banish much sin and vice from the worst region that ministers ever entered."—Pickett.
- 1804, Feb. 2. Land Office established at St. Stephens, with Joseph Chambers, Ephraim Kirby, and Robert Carter Nicholas, Commissioners.
- 1800-4. Much confusion and amusement from decision of justices from different States who, in the absence of a special code, decided cases according to the laws of the State from which the justice had emigrated.
1805. Much discontent over exacting revenue laws.
- 1805, July 23. The Chickasaws cede 350,000 acres of land in the bend of the Tennessee river.
- 1805, Sept. 3. The Kempers kidnapped by the Spaniards and rescued by United States soldiers.
- 1805, Oct. 7. The Cherokees grant mail route from Knoxville to New Orleans.
- 1805, Nov. 14. Creek chiefs in Washington city grant right of horse-path through their country, and agree to establish ferries, bridges, and accommodation houses.
- 1805, Nov. 16. The Choctaws at Mount Dexter cede 5,000,000 acres, thus throwing open to American settlement the whole of southern Mississippi.
1805. United States military road cut from Ocmulgee to Mims' Ferry on the Alabama.
- 1807, Feb. 19. Aaron Burr arrested by Captain E. P. Gaines in Washington county, Alabama.
- 1807, Dec. —. St. Stephens laid off in town lots, and road cut thence to Natchez, Mississippi.
1808. The first Baptist church established in Alabama.
- 1810, Aug. —. The Kempers, leading "the patriots," captured Baton Rouge, and killed Louis, the son of Governor Grandpre, but failed to capture Mobile.
- 1813, Sept. 1. Josiah Francis, the prophet, with a band of Creeks, attacked the Kimbell's and James' homes near Fort Sinquefield, in Clarke county, and massacred twelve people.
- 1813, Oct. 4. Colonel William McGrew killed by Indians at Barshi Creek.
- 1813, Nov. 9. Battle of Talladega.

- 1813, Nov. 29. General John Floyd with Georgians defeated the Red Sticks at Autosse, on the Tallapoosa river.
- 1814, Jan. 22. Jackson fights battle at Emuckfau Creek.
- 1814, Jan. 24. Jackson fights battle of Eufatchopco.
- 1814, Jan. 27. General Floyd fights battle of Calebbee.
- 1814, Mar. 27. Battle of Tohopeka, or Horseshoe Bend.
- 1814, Apr. 17. Jackson built Fort Jackson on site of old Fort Toulouse.
- 1814, Apr. 20. General Pinckney superseded Jackson in command, and Jackson returned to the Hermitage.
- 1814, July 10. Jackson, made a major-general, returned to Fort Jackson and took command of the southern army.
- 1814, Sept. 15. Major William Lawrence repulsed British fleet from Fort Bowyer.
- 1815, Feb. 15. British captured Fort Bowyer.
- 1817, Mar. 3. Congress creates Alabama Territory.
- 1818, Mar. 2. First session of general assembly at St. Stephens.
- 1818, Nov. 2-21. Second session of general assembly at St. Stephens.
- 1819, May 3. Election of delegates to frame the constitution in compliance with the "Enabling Act."
- 1819, July 5-Aug. 2. Constitutional convention in session at Huntsville.
- 1819, Sept. 20, 21. First general election for governor of Alabama and members of legislature.
- 1819, Oct. 25-Dec. 29. First State legislature at Huntsville.
- 1819, Dec. 14. Alabama admitted as a State.
- 1820, May 8. Supreme Court, composed of circuit judges until 1832, held its first session at Cahawba.
- 1820, Oct. 23. Second State legislature at Cahawba.
- 1820, Dec. 18. Governor Thomas Bibb approved act of legislature to establish the University of Alabama.
- 1820, Dec. 21. State Bank chartered for \$2,000,000 capital stock; located at Cahawba, but failed to open.
1820. Five electoral votes cast for James Monroe and Daniel D. Tompkins.
- 1820, Apr. 21. Congress established a Federal district court over Alabama; Charles Tait, judge; William Crawford, attorney.
1821. Patrol system established, to prevent escape of slaves.
1821. Mobile Steamboat Company organized, and first steamboat passed from Mobile to Montgomery.
- 1821, Mar. 1. First Alabama presbytery established at Cahawba.
- 1821, June 4. First called session of the legislature at Cahawba.
1823. Baptist State convention organized at Salem Church, near Greensboro.
1824. Five electoral votes cast for Andrew Jackson and John C. Calhoun. Legislature provided that presidential electors be chosen by the people.

- 1824, Mar. 10. Congress divides the State into two districts, northern and southern, with court sessions at Huntsville and Mobile.
1825. Vicarate Apostolic (Catholic) of Alabama and Florida created.
1825. First Episcopal church organized in Mobile.
- 1825, Apr. 3. General Lafayette welcomed in Montgomery.
- 1826, Jan. 14. Last session of the general assembly in Cahawba closed.
- 1826, Nov. 20. First session of general assembly opened in Tus-kaloosa.
1828. Congress granted 4,000,000 acres of land to improve Muscle Shoals.
1828. Five Electoral votes cast for Andrew Jackson and John C. Calhoun.
1829. Constitutional amendment limited official tenure of judges to six years. Ratified by general assembly June 16, 1830.
1829. Methodist Protestant church organized.
1830. St. Joseph College (Catholic) established at Spring Hill, Mobile. La Grange College (Methodist) established at La Grange, Alabama.
- 1832, Jan.—. First canal in the State opened. It connected Huntsville and Looney's Landing on the Tennessee river.
1832. The supreme court was organized, separate from circuit court judges, as now constituted. A. S. Lipscomb was chief-justice, with John M. Taylor and Reuben Saffold, associate justices.
1832. Seven electoral votes cast for Andrew Jackson and Martin Van Buren.
1832. Branches of State Bank incorporated, as follows:
January 21, Montgomery, \$800,000.
November 16, Decatur, \$1,000,000.
December 14, Mobile, \$2,000,000.
1834. Daniel Pratt builds gin factory in Autauga county.
1835. Branch of State Bank established at Huntsville.
- 1836, Jan. 9. All taxes removed and State Bank charged with the expenses of the State's government.
1836. The seven electoral votes cast for Martin Van Buren and R. M. Johnson.
1837. General financial panic.
- 1837-1852. John McKinley on bench of the supreme court of the United States.
- 1839, Jan. 7. Judson Female Institute opened to students.
- 1839, Jan. 26. Act establishing a State penitentiary. The cornerstone of penitentiary was laid by Governor Bagby in October.
- 1839, Jan. 26. Supreme courts of chancery established.
- 1839, Feb. 1. Imprisonment for debt abolished.
- 1839, Aug. —. Drought to latter part of January following.

1839. Malignant yellow fever and disastrous fire in Mobile.
1840. Seven electoral votes cast for Martin Van Buren and R. M. Johnson.
1841. Judson Female Institute incorporated.
- 1841, Dec. 29. Howard College chartered; opened for students Jan., 1842.
1842. Penitentiary opened for reception of convicts.
1842. State taxes restored.
1843. Judson Institute transferred to Baptist State convention.
- 1844, May —. Howard College burned; re-established at Marion.
1844. Nine electoral votes cast for James K. Polk and George M. Dallas.
- 1845, Jan. 8. Death of Andrew Jackson.
1845. Annual elections discontinued; biennial elections established.
- 1846, Jan. 26. The general assembly selects Montgomery as the future site of State capitol.
- 1846, Feb. 5. Last session of general assembly in Tuscaloosa closed.
- 1847, July 13. Professor Michael Tuomey began geological exploration of the State.
- 1847, Nov. 2. Capitol at Montgomery completed; December 6, general assembly met in it for the first time, and held until March 6, 1848.
- 1847, Dec. 4. Medical Association of Alabama founded at Mobile.
- 1848, Jan. 4. Professor Michael Tuomey named State Geologist.
- 1848, Oct. 25. Dixon H. Lewis died in New York.
1848. Nine electoral votes cast for Lewis Cass and William O. Butler.
1849. Election of judges of circuit and county courts removed from the legislature and committed to the people.
- 1849, Dec. 14. Capitol in Montgomery burned. Both houses were in session; principal archives saved, but many valuable papers burned.
1850. Professor Tuomey's first biennial report of geology of Alabama.
1850. Rebuilding of capitol begun.
- 1850, July 8. Alabama Historical Society organized at the University.
1851. "Southern Rights Party" hold convention in Montgomery.
- 1851, Nov. —. Present capitol at Montgomery completed.
- 1852, Feb. 6. Alabama Insane Hospital incorporated.
1852. "Southern Rights" convention nominated George M. Troup and John A. Quitman, but the nine electoral votes of the State were cast for Franklin Pierce and William R. King.
1853. Malignant yellow fever in Mobile.

1853. John A. Campbell appointed a justice of the supreme court of the United States, to succeed John McKinley, deceased.
1854. South and North Railroad chartered.
- 1854, Feb. 15. Gov. Winston approved the bill which established public schools.
1856. The Methodists founded the Southern University at Greensboro, and the Alabama Conference Female College at Tuskegee.
1856. Colonel Jefferson Buford leads forces to Kansas, lending \$20,000 to the cause.
1856. State Medical Association suspended for twelve years.
1856. Nine electoral votes cast for James Buchanan and John C. Breckenridge.
1857. General financial panic.
- 1859, Oct. 3. Southern University opened for students. Doctor (afterward Bishop) William M. Wightman, its first president.
1860. Nine electoral votes cast for John C. Breckinridge and Joseph Lane.
- 1860, Dec. 24. General election of delegates to the secession convention.
- 1861, Mar. 4. Miss L. C. Tyler, granddaughter of ex-President John Tyler, elevated the first flag of the Confederate States to the summit of staff on the capitol in Montgomery.
- 1861, Feb. 4. Alabama, Florida, Georgia, Louisiana, Texas, Mississippi, and South Carolina, through duly empowered representatives, formed the Congress of the Confederate States of America.
The temporary chairman was Robert Barnwell, of South Carolina, and the temporary secretary was Albert R. Lamar, of Georgia.
The Hon. Howell Cobb, of Georgia, was elected the permanent presiding officer, and Johnson Jones Hooper, of Alabama, the permanent secretary.
- 1861, Feb. 9. The eleven States participating cast 109 votes for Jefferson Davis and Alexander H. Stephens. Of these, Alabama cast 11.
- 1861, Feb. 21. First message Mr. Davis sent to the Confederate Congress nominated:
Robert Toombs, of Georgia, Secretary of State.
C. G. Memminger, of South Carolina, Secretary of Treasury.
Le Roy P. Walker, of Alabama, Secretary of War.
- 1861, Apr. 5. Alabama Insane Hospital admitted its first patient.
- 1861, May 20. Seat of government transferred to Richmond, Virginia.
- 1862, Feb. 2. President Davis called for eleven regiments of troops.

- 1862, Feb. 6. Fort Henry on the Tennessee surrendered to General Grant.
- 1862, Feb. 8. Commodore Phelps steamed up to Florence, captured two steamboats, in addition to other captures in passage to and fro, and burnt the Confederate supplies.
- 1862, Feb. 16. Fort Donelson surrendered to General Grant.
- 1862, Apr. 6, 7. Battle of Shiloh
- 1862, Apr. 11. The Federals captured Huntsville.
- 1861, Apr. 13. The Federals captured Decatur.
- 1862, Apr. 16. The Federals captured Tuscombua.
- 1862. Salt famine, due to blockades, produced great distress.
- 1862, May 1. Colonel Scott recaptured Athens from the Federals.
- 1862, July 3. Captain P. D. Roddy made successful attack on the Federals near Russellville.
- 1862, July 10. Union men from the mountains begin to enlist in the Federal army at Decatur.
- 1862, July —. Colonel F. O. Armstrong with Louisiana brigade, and Captain P. D. Roddy harass the Federals and destroy bridges on Memphis and Charleston Railroad.
- Aug. 5. General R. L. McCook, with staff and escort, captured by Confederate scouts under Captain Gurley. General McCook killed.
- Aug. 13. Captain Roddy attacked Federals between Tuscombua and Decatur. General Bragg thanked him for his success.
- 1862, Aug. 27. Confederates under Colonel McKinstry and Captain Rea drive Federals from fort at the mouth of Battie Creek, near Bridgeport.
- 1862, Aug. —. Federals withdraw from north Alabama to avoid the dangers from the advance of Bragg's forces into Tennessee.
- 1862, Sept. 22. Lincoln issued Emancipation Proclamation to go into effect January 1, 1863.
- 1862, Dec. 31 to Jan. 3, 1863. Stone's River campaign, including battle of Murfreesboro.
- 1863, Mar. 17. John Pelham killed at Kelly's Ford, Va.
- 1863, Apr. 11. General S. A. M. Wood and Colonel Dibrell repulsed three Federal gunboats at Florence.
- 1863, Apr. 17. General P. D. Roddy, with 1200 men, began attacks on Federal General Grenville M. Dodge, with 7500 men, at Little Bear Creek.
- 1863, May-June. Federals burn and destroy immense quantities of property between Corinth and Florence.
- 1863, July 1, 2, and 3. Battle of Gettysburg.
- 1863, July 4. Fall of Vicksburg.
- 1863, July 27. Death of Wm. L. Yancey.
- 1863, Aug. —. Called session of legislature made 16 to 60 years the conscript limit, and appropriated \$1,000,000

- to support soldiers' families during October, November, and December.
- 1863, Sept. 19 and 20. Battle of Chickamauga.
- 1863, Nov. —. Legislature voted \$3,000,000 to support soldiers' families during 1864; taxed all products one-tenth; voted \$1,500,000 for military defense.
- 1863, Dec. 17-July 17, 1864. Atlanta Campaign.
- 1864, Jan. 25. Colonel W. A. Johnson began attacks on Federals in north Alabama.
- 1864, Jan. 26. Roddy failed to capture Athens; soon ordered to join Wheeler at Dalton, Ga., but sent back in April to protect north Alabama.
- 1864, Mar. 7. Federals captured Decatur.
- 1864, May 17. Colonel Josiah Patterson defeated Federals at Madison Station.
- 1864, May 29. General Stephen D. Lee appointed to command the Department of Alabama, Mississippi, and east Louisiana.
- 1864, July 10. General Rousseau, with 2300 men, left Decatur on raid to Opelika.
- 1864, July 19. The *Alabama*, Captain Raphael Semmes, sunk by the *Kearsarge*, Captain Winslow, at mouth of Cherbourg Harbor, off the coast of France.
- 1864, July 30. Wilcox's brigade checks the Federals at the Petersburg Crater.
- 1864, Aug. 20. General John Herbert Kelly killed at Franklin, Tenn.
- 1864, Aug. 25. General Richard Taylor appointed to command the Department of Alabama, Mississippi, and east Louisiana.
- 1864, Sept. 19. Robert Emmet Rodes killed at Winchester, Va.
- 1864, Sept. 23 to 24. Forrest captured Athens from Col. Campbell.
- Sept. 25. Forrest captured Sulphur Trestle.
- 1864, Sept. —. Sherman followed Hood as far as Gaylesville, Alabama; detachments did much damage in region toward Gadsden.
- 1864, Oct. 7. General John Gregg killed while leading Field's division against Federal lines, near Richmond.
- 1864, Oct. 26. A portion of Hood's army made unsuccessful attack on Federal fortifications around Decatur.
- 1864, Nov. 30. Battle of Franklin, Tennessee.
- 1865, Mar. 29. Federal General J. H. Wilson's three columns converge at Elyton.
- 1865, Mar. 31. Federals burn the Red Mountain, Central, Bibb, Cahaba and Columbian Iron Works.
- 1865, Apr. 1. Forrest checked Federals near Dixie Station, and killed Captain Taylor, Federal, in personal encounter.
- 1865, Apr. 2. Selma captured by General J. H. Wilson.
- 1865, Apr. 12. Montgomery captured by General J. H. Wilson.
- 1865, May 4. General Richard Taylor, commanding the Depart-

- ment of the West, surrendered to General Canby, at Citronelle.
- 1865, May 4-June 21. Civil government suspended.
- 1865, June 21. President Johnson appointed Lewis E. Parsons, provisional governor of Alabama.
1865. Robbers in uniforms of United States soldiers, commit numerous depredations.
- 1865, Sept. 12-30. Constitutional convention, with Ex-Governor Benjamin Fitzpatrick, president, abolished slavery, annulled Ordinance of Secession, provided for election in November, and for meeting of general assembly.
- 1866, Jan. 16. Legislature presents memorial to President Johnson, petitioning withdrawal of Federal troops from Alabama.
- 1866, Feb. 22. Legislature approved the policy of President Johnson, and denounced those whose interests in the State were promoted by false representation. It pledged to the negro race justice, humanity, and good faith.
- 1866, Dec. 6. Legislature refused to ratify fourteenth amendment to constitution of the United States.
- 1867, Mar. 27. Congress relegated Alabama to military rule, and made adoption of the fourteenth amendment by a majority of electors essential to the State's representation in Congress.
- 1867, Sept. 4. Conservative party met in Montgomery.
- 1867, Nov. 5-Dec. 6. Constitutional convention in capitol at Montgomery, E. W. Peck, president, was composed of carpet-baggers, scalawags, negroes, and a few decent whites.
- 1868, Jan. 1. Representative men of the Conservative party, in conference at Montgomery, planned to defeat the unsavory reconstruction constitution, and named January 30 as a day of fasting and prayer.
- 1868, Feb. 4. Vote on the constitution falling below majority of registered voters, that instrument failed of ratification. Congress, however, forced the constitution on the State.
- 1868, July 13-Dec. 3. The "Radical" legislature, nominated by the "Black Man's party," ratified the fourteenth amendment.
1868. Senators-elect were, by terms of the constitution, to draw lots for long or short terms, half-and-half. The senators refused to draw, and so all held the long term.
1868. Democrats support Horatio Seymour and F. P. Blair for President and Vice-President of the United States.
1868. Eight electoral votes cast for Ulysses S. Grant and Schuyler Colfax, Republicans.

- 1869, Jan. 1. Freedmen's Bureau discontinued by operation of Act of Congress.
- 1869, Apr. —. New University building opened to students.
- 1869, Nov. 24. General assembly ratified the fifteenth amendment.
- 1870. The Conservative party, aligning with Northern Democrats, took the name "Democratic and Conservative party."
- 1871, Jan. 1. Alabama and Chattanooga railroad failed to pay interest due on bonds, and Governor Lindsay seized the property of the railroad to secure the State against loss.
- 1871, Sept. 26. General James H. Clanton killed at Knoxville, Tennessee, by David M. Nelson, a Federal.
- 1871, Dec. 19. Birmingham incorporated by charter from the general assembly.
- 1872, Mar. 20. State Polytechnic Institute, as Agricultural and Mechanical College, established at Auburn, in East Alabama Male College, which the Methodists had donated to the State.
- 1872. Eight electoral votes cast for Grant and Wilson.
- 1872, Dec. —. State Normal College established at Florence.
- 1873. Cholera in Birmingham. Yellow fever in Mobile.
- 1873. Patrons of Husbandry organized.
- 1873, Apr. 18. Dr. Eugene Allen Smith appointed State geologist.
- 1873. John G. Cullman planted the German colony in what is now Cullman county.
- 1873, Dec. 9. State Normal and Industrial School for Negroes established at Huntsville.
- 1874. The Democratic party at the North carried congressional elections and thus rebuked the persecutions against Confederates.
- 1874, Dec. 17. General assembly appointed Governor Houston, Levi W. Lawler, and T. B. Bethea a committee to ascertain the debt of the State and to report a plan for its liquidation and adjustment. Exact debt found to be \$30,037,563.
- 1875, Mar. 19. General assembly act submitted to popular vote the question of a constitutional convention.
- 1875, Aug. 3. Popular election favored a constitutional convention.
- 1875, Sept. 6 to Oct. 2. Constitutional convention, in session at Montgomery, restored biennial sessions of the general assembly and limited the term of session to fifty days; fixed members' pay at \$4 a day, and made president of the senate next in succession to the governor.
- 1875, Nov. 16. People ratify the constitution of 1875, which became operative on December 6.
- 1876, Apr. 3. Great rain and wind storm throughout Alabama.
- 1876, Oct. —. Alabama and Chattanooga Railroad sold at public auction.

- 1876. Ten electoral votes cast for Samuel J. Tilden and Thomas A. Hendricks.
- 1878. Violent yellow fever epidemic.
- 1879, Jan. 15. State Bar Association organized.
- 1879, Feb. 12. Board of Health created.
- 1880. The Greenback party, in active opposition to Democrats.
- 1880. Ten electoral votes cast for Winfield S. Hancock and William H. English, Democrats.
- 1880, Nov. 23. Alice furnace, No. 1, in Birmingham, went into blast.
- 1881, Feb. 10. Industrial and normal school for negroes established at Tuskegee.
- 1881, Feb. 11. Board of dental examiners created.
- 1881, Feb. 26. State railroad commission established.
- 1882. Alabama State Teachers' Association formed.
- 1882. State normal school established at Jacksonville.
- 1882. East and west railroad linked Cartersville, Georgia, and Pell City, Alabama.
- 1883, Jan. —. Defalcation of State Treasurer Isaac H. Vincent discovered.
- 1883. Anniston and Sheffield founded.
- 1883, Feb. 23. State Department of Agriculture created.
- 1884. Birmingham Mineral Railroad opened to traffic.
- 1884. Ten electoral votes cast for Grover Cleveland and Thomas A. Hendricks.
- 1885, Feb. 16. Office of State Examiner of Public Accounts created.
- 1885, Sept. 30. Confederate Monument Association incorporated.
- 1886. Immense freshets in spring and summer.
- 1886, Apr. 29. Jefferson Davis lays cornerstone of Confederate monument in Montgomery.
- 1887, Apr. 12. Bessemer founded.
- 1887, Feb. 28. Board of Pharmacy established.
- 1887. The following railroads opened to travel: Alabama Midland, Birmingham and Atlantic, Kansas City, Memphis and Birmingham, Mobile and Birmingham.
- 1887, June —. The main college building at Auburn burned.
- 1888. Yellow fever in Decatur.
- 1888. Ten electoral votes cast for Grover Cleveland and Allen G. Thurman.
- 1888, Mar. 14. Birmingham (Evening) News founded by Rufus N. Rhodes.
- 1888. Savannah and Western (Central of Georgia) Railway opened to Birmingham.
- 1888, Dec. 8. Hawes riot at Birmingham. Thirteen persons killed by posse under Sheriff Joseph S. Smith, to protect from mob violence Richard Hawes.
- 1889, Feb. 28. Legislature pensioned maimed Confederate soldiers and the widows of Confederate soldiers.

1890. East Lake Athenæum established.
1892. Co-education inaugurated at Alabama Polytechnic Institute.
1892. Eleven electoral votes cast for Grover Cleveland and Adlai E. Stevenson.
1893. Hon. Hilary A. Herbert appointed secretary of the navy by President Grover Cleveland.
1893. Financial panic.
- 1894, June. Strike by coal miners of north Alabama; ten men killed.
- 1896, Oct. 12. Alabama Girls' Industrial School at Montevallo opened to students.
- 1896, July to Dec. Seventy-five thousand tons of iron shipped from Alabama to foreign ports. This initiated export of iron from Alabama.
1896. Eleven electoral votes cast for William Jennings Bryan and Arthur Sewell.
- 1897, Feb. 3. General assembly established office of State Tax Commissioner.
- 1897, Feb. 16. General assembly appointed chief mine inspector, requested examination of mine bosses, standard scales, safety-lamps, ventilation, maps, and care of those injured by accidents.
- 1897, Feb. 18. State Department of Insurance created.
- 1897, July 24. Birmingham rolling mills make successful experiment in manufacture of steel.
- 1897, Dec. 27. Cahawba bridge disaster: train went through bridge and twenty-seven people were killed.
1897. Alabama shipped 223,000 tons of iron to foreign ports.
- 1898, Apr. 28. Governor Johnston called for volunteers for the Spanish-American War.
1898. Low price of cotton caused widespread distress and discontent.
- 1898, Dec. 7. Confederate monument on Capitol Hill unveiled.
- 1898, Dec. 16. General assembly voted to hold a constitutional convention.
- 1898, Dec. 17. Governor Johnston approved the act for a constitutional convention.
- 1899, Feb. 23. Legislature voted \$3,000 to buy land and erect buildings for a Boys' Industrial School.
- 1899, Mar. 18. Primaries for delegates to constitutional convention.
1899. Governor Johnston called special session of the general assembly, and secured repeal of bill for constitutional convention on May 10.
- 1900, Nov. —. General assembly voted to submit to the people the question of calling constitutional convention.
1900. Eleven electoral votes cast for William Jennings Bryan and Adlai E. Stevenson.
- 1901, Mar. 25. About 10 A. M., fearful tornado in Birmingham.

- 1901, May 21. Constitutional convention met in Montgomery.
- 1901, June 11. Governor William J. Sanford died in Tuskaloosa; William Dorsey Jelks succeeded to office of governor.
- 1901, Nov. 11. Popular vote ratifies the new State constitution.
- 1902, Jan. 22. The two-hundredth anniversary of the settlement of Fort Louis de la Mobile celebrated in Mobile and at Twenty-seven-mile Bluff.
- 1902, Jan. 23. Dr. William LeRoy Brown dropped dead in his home at Auburn.
- 1902, Feb. 22. Joseph J. Willett makes notable speech at the banquet of the Southern Society in New York.
- 1902, Feb. 12. Ex-Governor Robert Burns Lindsay died in Tusculumbia.
- 1902, Apr. 29. Terrific rainstorm in Birmingham.
- 1902, Aug. 25. Democratic primary election.
- 1902, Nov. 4. General State election.
- 1903, Feb. 9. Houston county formed out of Henry, Dale, and Geneva.
- 1904. First session of the University Summer School for Teachers.
- 1904. Eleven electoral votes cast for Alton B. Parker.
- 1905, Apr. —. Excitement over the discussion of railroad matters in the session of the railroad commission in Montgomery.
- 1906, Aug. 27. Democratic primary election.
- 1906, Nov. 6. General State election.
- 1907. Judge Thomas G. Jones nullifies the State laws by Federal injunctions against execution of laws affecting railroad freight and passenger tariffs.
- 1907, June 11. Death of Senator John Tyler Morgan.
- 1907, July 27. Death of Senator Edmund Winston Pettus.
- 1908, Apr. 24. Terrific storm destroys Albertville and other places.
- 1908, May 28. General Stephen D. Lee died in Vicksburg.
- 1908, June 12. State Text-Book Commission in session. The members, S. S. Murphy, John P. Selman, J. V. Brown, D. M. Callaway, John P. Neff, George W. Brock, J. B. Hobdy, Henry T. Lile, and Charles B. Glenn.
- 1908, July 6-Aug. 31. Miners' strike in Birmingham District.

STATISTICS OF COUNTIES OF ALABAMA

| Name. | When Formed. | For Whom Named. | From What Territory Taken. | County Seat. |
|------------------------------|----------------|--|--|--------------|
| Autauga . . . | Nov. 21, 1818. | Indian name. | Montgomery. | Prattville. |
| Baldwin . . . | Dec. 21, 1809. | { Senator Abraham Baldwin, of } { Georgia. | Washington county. | Bay Minette. |
| Barbour . . . | Dec. 18, 1832. | Gov. James Barbour, of Virginia. | Pike county and Creek cession. | Clayton. |
| Bibb ¹ . . . | Feb. 7, 1818. | Gov. William Wyatt Bibb. | { Montgomery and Monroe. | Centerville. |
| Blount . . . | Feb. 4, 1818. | Gov. Wm. G. Blount, of Tennessee | { Montgomery county and } { Cherokee cession. | Oneonta. |
| Bullock . . . | Dec. 5, 1866. | E. C. Bullock, of Alabama. | { Barbour, Macon, Montgom- } { ery, Pike. | Union Sp'gs. |
| Butler . . . | Dec. 13, 1819. | Capt. Wm. Butler, of Alabama. | Conecuh and Montgomery. | Greenville. |
| Calhoun ² . . . | Dec. 18, 1832. | J. C. Calhoun, of South Carolina. | Creek cession of 1832. | Anniston. |
| Chambers . . . | Dec. 18, 1832. | Henry C. Chambers, of Alabama. | Creek cession of 1832. | LaFayette. |
| Cherokee . . . | Jan. 9, 1836. | Indian tribe. | Cherokee cession of 1835. | Center. |
| Chilton ³ . . . | Dec. 30, 1868. | Judge W. P. Chilton, of Alabama. | Autauga, Bibb, Perry, Shelby. | Clanton. |
| Choctaw . . . | Dec. 29, 1847. | Indian tribe. | Sumter and Washington. | Butler. |
| Clarke . . . | Dec. 10, 1812. | Gov. John Clarke, of Georgia. | Washington county. | Grove Hill. |
| Clay . . . | Dec. 7, 1866. | Henry Clay, of Kentucky. | Randolph and Talladega. | Ashland. |
| Cleburne . . . | Dec. 6, 1866. | Pat. R. Cleburne, of Arkansas. | Calhoun, Randolph, Talladega. | Heflin. |
| Coffee . . . | Dec. 29, 1841. | Gen. John Coffee, of Alabama. | Dale. | Elba. |
| Colbert ⁴ . . . | Feb. 6, 1867. | George and Levi Colbert. | Franklin. | Tuscumbia. |
| Conecuh . . . | Feb. 13, 1818. | Indian word. | Monroe. | Evergreen. |
| Coosa . . . | Dec. 18, 1832. | Indian tribe. | Creek cession of 1832. | Rockford. |
| Covington ⁵ . . . | Dec. 1, 1821. | { Gen. Leonard W. Covington, } { of Maryland. | Henry. | Andalusia. |
| Crenshaw . . . | Nov. 24, 1866. | Anderson Crenshaw, of Alabama. | { Butler, Coffee, Covington. } | Luverne. |
| Cullman . . . | Jan. 24, 1877. | John G. Cullman, of Alabama. | { Lowndes, Pike. | Cullman. |
| Dale . . . | Dec. 22, 1834. | Gen. Samuel Dale, of Alabama. | Blount, Morgan, Winston. | Ozark. |
| Dallas . . . | Feb. 9, 1818. | A. J. Dallas. | Henry and Covington. | Selma. |
| | | | Montgomery. | |

¹ Originally "Cahaba," changed December 20, 1820, in honor of first governor of Alabama.

² Originally "Benton," from Senator Thos. H. Benton, of Missouri; changed for political rebuke January 29, 1858.

³ Originally "Baker," for Albert Baker, a resident; changed December 17, 1874.

⁴ Abolished November 26, 1867; reestablished December 9, 1869.

⁵ Name changed to "Jones" August 6, 1868; name restored October 10, 1868.

STATISTICS OF COUNTIES OF ALABAMA---Continued.

| Name. | When Formed. | For Whom Named. | From What Territory Taken. | County Seat. |
|----------------|----------------|--|---|---------------|
| DeKalb . . . | Jan. 9, 1836. | Gen. Johann DeKalb. | Cherokee cession of 1835. | Fort Payne. |
| Elmore . . . | Feb. 15, 1866. | John A. Elmore, of Alabama. | { Autauga, Coosa, Montgom- ery, Tallapoosa. } | Wetumpka. |
| Escambia . . | Dec. 10, 1868. | Escambia River. | Baldwin and Conecuh. | Brewton. |
| Etowah . . . | Dec. 7, 1866. | Indian origin. | { Blount, Calhoun, Cherokee, DeKalb, Marshall, St. Clair } | Gadsden. |
| Fayette . . . | Dec. 20, 1824. | Gen. Jean de La Fayette. | Marion, Pickens, Tuskaloosa. | Fayette. |
| Franklin . . . | Feb. 6, 1818. | { Benjamin Franklin, of Penn- sylvania. } | { Chickasaw and Cherokee cession of 1816. } | Russellville. |
| Geneva . . . | Dec. 26, 1868. | Swiss city. | Coffee, Dale, Henry. | Geneva. |
| Greene . . . | Dec. 13, 1819. | Gen. Nathanael Greene, of Georgia | { Marengo and Tuskaloosa. } | Eutaw. |
| Hale | Jan. 30, 1867. | Stephen F. Hale, of Alabama. | { Tuskaloosa. } | Greensboro. |
| Henry | Dec. 13, 1819. | Patrick Henry, of Virginia. | Conecuh. | Abbeville. |
| Houston . . . | Feb. 9, 1903. | Gov. Geo. S. Houston, of Alabama. | Henry, Dale, Geneva. | Dothan. |
| Jackson . . . | Dec. 13, 1819. | Gen. Andrew Jackson, Tennessee. | Cherokee cession of 1816. | Scottsboro. |
| Jefferson . . | Dec. 13, 1819. | Thomas Jefferson, of Virginia. | Blount. | Birmingham. |
| Lamar | Feb. 4, 1867. | L. Q. C. Lamar, of Mississippi. | Fayette and Marion. | Vernon. |
| Lauderdale . . | Feb. 6, 1818. | Col. Jas. Lauderdale, Tennessee. | { Chickasaw and Cherokee cession of 1816. } | Florence. |
| Lawrence . . | Feb. 6, 1818. | James Lawrence, of Vermont. | { Chickasaw and Cherokee cession of 1816. } | Moulton. |
| Lee | Dec. 5, 1866. | Gen. Robert E. Lee, of Virginia. | { Chambers, Macon, Russell, Tallapoosa. } | Opelika. |
| Limestone . . | Feb. 6, 1818. | From creek with bed of lime rock | { Chickasaw and Cherokee cession of 1816. } | Athens. |
| Lowndes . . . | Jan. 20, 1830. | Wm. Lowndes, of South Carolina. | Butler, Dallas, Montgomery. | Hayneville. |
| Macon | Dec. 18, 1832. | { Senator Nathaniel Macon, of North Carolina. } | Creek cession of 1832. | Tuskegee. |

*Originally "Baine," for General D. W. Baine, of Alabama; abolished December 3, 1867; reëstablished with present name, December 1, 1868.
 †Decatur county was created December 7, 1821; in 1824 abolished and merged into Madison and Jackson;
 ‡Woodville in Jackson county was the county seat.
 §Originally "Jones," for E. P. Jones, of Fayette; abolished November 13, 1867; reëstablished as "Sanford" for H. C. Sanford, of Cherokee, on October 8, 1868; changed to present name February 8, 1877.

| | | | | |
|----------------------------|----------------|--|--|-----------------|
| Madison . . . | Dec. 13, 1808. | James Madison, of Virginia. | { Chickasaw and Cherokee } { cessions, 1805 and 1807. | Huntsville. |
| Marango . . . | Feb. 6, 1818. | French Battle. | { Choctaw cession of Oct. 24, 1816. | Linden. |
| Marion . . . | Feb. 13, 1818. | { Gen. Francis Marion, South Carolina. | Tuskaloosa. | Hamilton. |
| Marshall . . . | Jan. 9, 1836. | { Chief Justice John Marshall, of Virginia. | { Jackson, Blount, Cherokee } { cession of 1835. | Guntersville. |
| Mobile . . . | 1812. | Indian. | Louisiana Purchase. | Mobile. |
| Monroe . . . | June 26, 1815. | James Monroe, of Virginia. | { Washington county and } { Creek cession of 1814. | Monroeville. |
| Montgomery. | Dec. 6, 1816. | { Lt. Lemuel P. Montgomery, of Tennessee. | Monroe. | Montgomery. |
| Morgan ¹ . . . | Feb. 6, 1818. | Gen. Daniel Morgan, of Virginia. | Cherokee Turkeytown cession. | Decatur. |
| Perry . . . | Dec. 13, 1819. | Com. O. H. Perry, Rhode Island. | Montgomery. | Marion. |
| Pickens . . . | Dec. 19, 1820. | { General Andrew Pickens, of South Carolina. | Tuskaloosa. | Carrollton. |
| Pike . . . | Dec. 7, 1821. | Gen. Z. M. Pike, of New Jersey. | Henry and Montgomery. | Troy. |
| Randolph . . . | Dec. 18, 1822. | Sen. John Randolph, of Virginia. | Creek cession of 1832. | Wedowee. |
| Russell . . . | Dec. 18, 1822. | Col. G. C. Russell, of Alabama. | Creek cession of 1832. | Scale. |
| St. Clair . . . | Nov. 20, 1818. | { Gen. Arthur St. Clair, Pennsylvanian. | Shelby. | Ashville. |
| Shelby . . . | Feb. 7, 1818. | Gov. Isaac Shelby, of Kentucky. | Montgomery. | Columbiana. |
| Sumter . . . | Dec. 18, 1832. | { Gen. Thomas Sumter, South Carolina. | Choctaw cession of 1830. | Livingston. |
| Talladega . . . | Dec. 18, 1832. | Indian word. | Creek cession of 1832. | Talladega. |
| Tallapoosa . . . | Dec. 18, 1832. | Indian word. | Creek cession of 1832. | Dadeville. |
| Tuskaloosa . . . | Feb. 7, 1818. | Indian. | { Chickasaw and Choctaw } { cessions, 1816. | Tuskaloosa. |
| Walker . . . | Dec. 26, 1823. | Sen. John W. Walker, Alabama. | Marion and Tuskaloosa. | Jasper. |
| Washington . . . | June 4, 1800. | Gen. Geo. Washington, Virginia. | Choctaw cessions. | Chattom. |
| Wilcox . . . | Dec. 13, 1819. | Lt. Joseph M. Wilcox, U. S. A. | Dallas and Monroe. | Camden. |
| Winston ² . . . | Feb. 12, 1850. | Gov. John A. Winston, Alabama. | Walker. | Double Springs. |

¹ Originally "Cofaco," of Indian origin; changed June 14, 1821.

² Originally "Hancock," for John Hancock, who first signed the Declaration of Independence; changed January 22, 1855.

GOVERNORS AND OTHER OFFICERS

GOVERNORS OF MISSISSIPPI TERRITORY

| | |
|---|------|
| Winthrop Sargent, of Massachusetts..... | 1798 |
| William Charles Cole Claiborne, of Tennessee..... | 1801 |
| Robert Williams, of North Carolina..... | 1805 |
| David Holmes, of Virginia..... | 1809 |

GOVERNOR OF ALABAMA TERRITORY

| | |
|--------------------------------------|----------------|
| William Wyatt Bibb,* of Georgia..... | Sept. 25, 1817 |
|--------------------------------------|----------------|

GOVERNORS OF THE STATE OF ALABAMA

| | |
|--|---------------|
| William Wyatt Bibb, of Autauga..... | Nov. 9, 1819 |
| Thomas Bibb, of Limestone..... | July 15, 1820 |
| Israel Pickens, of Greene..... | Nov. 9, 1821 |
| John Murphy, of Monroe..... | Nov. 25, 1825 |
| Gabriel Moore, of Madison..... | Nov. 25, 1829 |
| Samuel B. Moore, of Jackson..... | Mar. 3, 1831 |
| John Gayle, of Greene..... | Nov. 26, 1831 |
| Clement Comer Clay, of Madison..... | Nov. 21, 1835 |
| Hugh McVay, of Lauderdale..... | July —, 1837 |
| Arthur Pendleton Bagby, of Monroe..... | Nov. 21, 1837 |
| Benjamin Fitzpatrick, of Autauga..... | Nov. 22, 1841 |
| Joshua Lanier Martin, of Tuscaloosa..... | Dec. 10, 1845 |
| Reuben Chapman, of Madison..... | Dec. 16, 1847 |
| Henry Watkins Collier, of Tuscaloosa..... | Dec. 17, 1849 |
| John Anthony Winston, of Sumter..... | Dec. 20, 1853 |
| Andrew Barry Moore, of Perry..... | Dec. 1, 1857 |
| John Gill Shorter, of Barbour..... | Dec. 2, 1861 |
| Thomas Hill Watts, of Montgomery..... | Dec. 1, 1863 |
| [Interregnum of two months after the surrender of the military department of the Confederate government to the Federal authorities.] | |
| Lewis B. Parsons,** of Talladega..... | June 21, 1865 |
| Robert Miller Patton, of Lauderdale..... | Dec. 20, 1865 |
| William H. Smith, of Randolph..... | July 14, 1868 |
| Robert Burns Lindsay, of Colbert..... | Nov. 26, 1870 |
| David P. Lewis, of Madison..... | Nov. —, 1872 |
| George Smith Houston, of Limestone..... | Nov. 21, 1874 |
| Rufus W. Cobb, of Shelby..... | Nov. 28, 1878 |
| Edward Asbury O'Neal, of Lauderdale..... | Dec. 1, 1882 |
| Thomas Seay, of Hale..... | Dec. 1, 1886 |
| Thomas Goode Jones, of Montgomery..... | Dec. 1, 1890 |
| William C. Oates, of Henry..... | Dec. 1, 1894 |
| Joseph E. Johnson, of Jefferson..... | Dec. 1, 1896 |
| William J. Samford, of Lee..... | Dec. 26, 1900 |
| William D. Jelks,† of Barbour..... | June 11, 1901 |
| Braxton Bragg Comer..... | Jan. 14, 1907 |

*Mr. Bibb's temporary commission as governor of Alabama Territory was dated September 25, 1817; his permanent commission was dated December 16, 1817. He was inaugurated as governor of the State at Huntsville on November 9, 1819, although Alabama was not formally admitted into the Union until December 14, 1819.

**Appointed provisional governor of Alabama by President Johnson.

†Dr. Russell M. Cunningham was acting-governor from April 25, 1901, to March 15, 1905.

LIEUTENANT GOVERNORS

The office of lieutenant governor was created by the constitution of 1867, abolished by the constitution of 1875, and again created by the constitution of 1901.

| | | | |
|--------------------------|------|----------------------------|------|
| A. J. Applegate..... | 1868 | Robert F. Ligon..... | 1874 |
| Edward H. Moren..... | 1870 | Russell M. Cunningham..... | 1903 |
| Alexander McKinstry..... | 1872 | Henry B. Gray..... | 1907 |

SECRETARIES OF STATE

| | | | |
|-------------------------|------|-----------------------------|------|
| Henry Hitchcock*..... | 1818 | Jabez J. Parker..... | 1870 |
| Thomas A. Rodgers..... | 1819 | Patrick Ragland..... | 1872 |
| James K. Pleasants..... | 1822 | Neander H. Rice..... | 1873 |
| James I. Thornton..... | 1824 | Rufus K. Boyd..... | 1874 |
| Edmund A. Webster..... | 1834 | William Wallace Screws..... | 1878 |
| Thomas E. Tunstall..... | 1836 | Ellis Phelan..... | 1882 |
| William Garrett..... | 1840 | C. C. Langdon..... | 1886 |
| Vincent M. Benham..... | 1852 | Joseph D. Barron..... | 1890 |
| James H. Weaver..... | 1856 | James K. Jackson..... | 1894 |
| Patrick H. Brittan..... | 1860 | Robert P. McDavid..... | 1898 |
| Albert Elmore..... | 1865 | J. Thomas Heslin..... | 1903 |
| David L. Dalton..... | 1865 | Edward P. McDavid..... | 1903 |
| Micah Taul..... | 1867 | Frank N. Julian..... | 1907 |
| Charles A. Miller..... | 1868 | | |

STATE TREASURERS

| | | | |
|-------------------------|------|-------------------------|------|
| Jack Ferrell Ross..... | 1819 | Arthur Bingham..... | 1872 |
| John C. Perry..... | 1822 | Daniel Crawford..... | 1874 |
| Hardin Perkins..... | 1829 | Isaac H. Vincent..... | 1878 |
| William Hawn..... | 1834 | Frederick H. Smith..... | 1881 |
| Samuel G. Frierson..... | 1840 | John L. Cobb..... | 1888 |
| William Graham..... | 1846 | J. Craig Smith..... | 1892 |
| Duncan B. Graham..... | 1860 | George W. Ellis..... | 1896 |
| L. P. Saxon..... | 1865 | J. Craig Smith..... | 1900 |
| Arthur Bingham..... | 1868 | Walter D. Seed..... | 1907 |
| James F. Grant..... | 1870 | | |

STATE COMPTROLLERS OR AUDITORS

("Comptroller of Public Accounts" from 1819 to 1868; "Auditor" since that time.)

| | | | |
|-----------------------------|------|-------------------------|------|
| Samuel Pickens..... | 1819 | Willis Brewer..... | 1876 |
| George W. Crabbe..... | 1829 | J. M. Carmichael..... | 1880 |
| Jefferson C. Van Dyke..... | 1836 | Malcolm C. Burke..... | 1884 |
| Joel Riggs..... | 1848 | Cyrus J. Hogue..... | 1888 |
| William J. Greene..... | 1855 | John Purifoy..... | 1892 |
| M. A. Chisholm..... | 1865 | Walter S. White..... | 1896 |
| R. M. Reynolds..... | 1868 | Thomas L. Sowell..... | 1900 |
| (under reconstruction acts) | | J. M. Carmichael..... | 1904 |
| Robert T. Smith..... | 1872 | William W. Brandon..... | 1907 |

ATTORNEYS GENERAL

| | | | |
|--------------------------|------|--------------------------|------|
| Henry Hitchcock..... | 1819 | Joshua Morse..... | 1868 |
| Thomas White..... | 1823 | John W. A. Sanford..... | 1870 |
| Constantine Perkins..... | 1825 | Benjamin Gardner..... | 1872 |
| Peter Martin..... | 1832 | John W. A. Sanford..... | 1874 |
| Alexander B. Meek..... | 1836 | Henry C. Tompkins..... | 1878 |
| John D. Phelan..... | 1836 | Thomas N. McClellan..... | 1881 |
| Lincoln Clarke..... | 1838 | William L. Martin..... | 1890 |
| Matthew W. Lindsay..... | 1839 | William C. Fitts..... | 1894 |
| Thomas D. Clarke..... | 1843 | Charles G. Brown..... | 1898 |
| William H. Martin..... | 1847 | Massey Wilson..... | 1903 |
| Marion A. Baldwin..... | 1840 | Alex. M. Garber..... | 1907 |
| John W. A. Sanford..... | 1865 | | |

*Alabama Territory.

SUPERINTENDENTS OF EDUCATION

| | | | |
|-----------------------|------|--------------------------|------|
| William F. Perry..... | 1854 | LeRoy F. Box..... | 1876 |
| Gabriel B. DuVal..... | 1858 | Henry C. Armstrong..... | 1880 |
| W. C. Allen..... | 1864 | Solomon Palmer..... | 1881 |
| John B. Taylor..... | 1865 | John G. Harris..... | 1890 |
| John B. Ryan..... | 1866 | John O. Turner..... | 1891 |
| N. B. Cloud..... | 1868 | John W. Abercrombie..... | 1898 |
| Joseph Hodgson..... | 1870 | Harry C. Gunnels..... | 1902 |
| Joseph H. Speed..... | 1872 | Isaac W. Hill..... | 1903 |
| John M. McKleroy..... | 1874 | Harry C. Gunnels..... | 1907 |

COMMISSIONERS OF AGRICULTURE

| | | | |
|----------------------------|------|-------------------------|------|
| Edward C. Betts, appointed | 1883 | I. F. Culver..... | 1896 |
| R. F. Kolb..... | 1887 | Robert R. Poole..... | 1900 |
| Hector D. Lane..... | 1891 | James A. Wilkinson..... | 1907 |

JUDGES OF THE SUPREME COURT

Chief Justices

| | | | |
|--------------------------|------|--------------------------|------|
| Clement C. Clay..... | 1820 | Abram J. Walker..... | 1859 |
| Abner S. Lipscomb..... | 1823 | Elisha W. Peck..... | 1868 |
| Reuben Saffold..... | 1835 | Thomas M. Peters..... | 1873 |
| Henry Hitchcock..... | 1836 | Robert C. Brickell..... | 1874 |
| Arthur F. Hopkins..... | 1836 | George W. Stone..... | 1884 |
| Henry W. Collier..... | 1837 | Robert C. Brickell..... | 1894 |
| Edward Spann Dargan..... | 1849 | Thomas N. McClellan..... | 1898 |
| William P. Chilton..... | 1852 | Samuel D. Weakley..... | 1905 |
| George Goldthwaite..... | 1856 | John R. Tyson..... | 1907 |
| Samuel F. Rice..... | 1856 | | |

Associate Justices

| | | | |
|-------------------------|------|------------------------------|------|
| Clement C. Clay..... | 1819 | Abram J. Walker..... | 1856 |
| Abner S. Lipscomb..... | 1819 | George W. Stone..... | 1856 |
| Henry Y. Webb..... | 1819 | Richard W. Walker..... | 1859 |
| Richard Ellis..... | 1819 | John D. Phelan..... | 1861 |
| Reuben Saffold..... | 1819 | William McKendree Byrd..... | 1866 |
| Henry Minor..... | 1823 | Thomas J. Judge..... | 1866 |
| John Gayle..... | 1823 | Thomas M. Peters..... | 1868 |
| John White..... | 1825 | Benjamin F. Saffold..... | 1868 |
| John M. Taylor..... | 1825 | Robert C. Brickell..... | 1873 |
| Sion L. Perry..... | 1828 | Thomas J. Judge..... | 1871 |
| Eli Shortridge..... | 1828 | Amos W. Manning..... | 1871 |
| Henry W. Collier..... | 1828 | George W. Stone..... | 1876 |
| Harry I. Thornton..... | 1833 | Henderson M. Somerville..... | 1880 |
| Henry Hitchcock..... | 1835 | David Clopton..... | 1881 |
| Arthur F. Hopkins..... | 1836 | Thomas N. McClellan..... | 1889 |
| Henry W. Collier..... | 1836 | Thomas W. Coleman..... | 1890 |
| Henry Goldthwaite..... | 1836 | Richard W. Walker..... | 1891 |
| John J. Ormond..... | 1837 | William S. Thorington..... | 1892 |
| Clement C. Clay..... | 1843 | James B. Head..... | 1892 |
| Henry Goldthwaite..... | 1843 | Jonathan Haralson..... | 1892 |
| Edward S. Dargan..... | 1847 | John R. Tyson..... | 1898 |
| William P. Chilton..... | 1840 | Henry A. Sharpe..... | 1898 |
| Silas Parsons..... | 1849 | James R. Dowdell..... | 1898 |
| Daniel Coleman..... | 1851 | John C. Anderson..... | 1901 |
| David G. Ligon..... | 1851 | Robert T. Simpson..... | 1901 |
| George Goldthwaite..... | 1852 | Thomas N. McClellan..... | 1906 |
| John D. Phelan..... | 1852 | Nimrod D. Deason..... | 1907 |
| Lyman Gibbons..... | 1852 | James J. Mayfield..... | 1907 |
| Samuel F. Rice..... | 1855 | | |

UNITED STATES SENATORS

| | |
|-------------------------------|---------------------------------|
| William R. King.....1819-1844 | Gabriel Moore1831-1837 |
| and1848-1853 | Clement C. Clay.....1837-1841 |
| John W. Walker.....1819-1822 | Arthur P. Bagby.....1841-1848 |
| William Kelly1823-1825 | Dixon Hall Lewis....1841-1848 |
| Henry Chambers1825-1826 | Benjamin Fitzpatrick..1848-1849 |
| Israel Pickens, Apr. 10- | Jeremiah Clemens.....1849-1853 |
| Dec. 211826 | Clement C. Clay.....1853-1861 |
| John McKinley1826-1831 | Benjamin Fitzpatrick..1853-1861 |

CONFEDERATE STATES SENATORS

| | |
|-------------------------------|-------------------------------|
| William L. Yancey...1861-1863 | Clement C. Clay.....1862-1864 |
| Robert Jemison1863-1865 | Richard W. Walker...1864-1865 |

UNITED STATES SENATORS

| | |
|--------------------------------|--------------------------------|
| George S. Houston....1865* | John T. Morgan.....1877-1907 |
| Lewis E. Parsons.....1865* | George S. Houston....1879-1883 |
| John A. Winston.....1867* | James G. Pugh.....1882-1897 |
| Willard Warner1868-1871 | Edmund W. Pettus...1897-1907 |
| George E. Spencer....1868-1879 | John Hollis Bankhead..1907 |
| George Goldthwaite...1872-1877 | Joseph Forney Johnston 1907 |

REPRESENTATIVES IN THE UNITED STATES CONGRESS

Sixteenth Congress, 1819-1821

John Crowell

Seventeenth Congress, 1821-1823

Gabriel Moore

Eighteenth Congress, 1823-1825

John McKee, Gabriel Moore,
and George W. Owen

Nineteenth Congress, 1825-1827

John McKee, Gabriel Moore,
and George W. Owen

Twentieth Congress, 1827-1829

John McKee, Gabriel Moore,
and George W. Owen

Twenty-First Congress,

1829-1831

Robert E. B. Baylor, Clement
C. Clay, and Dixon H. Lewis

Twenty-Second Congress,

1831-1833

Clement C. Clay, Dixon H.
Lewis, and Samuel W. Mardis

Twenty-Third Congress,

1833-1835

Clement C. Clay, Dixon H.
Lewis, Samuel W. Mardis,
John McKinley and John
Murphy

Twenty-Fourth Congress,

1835-1837

Dixon H. Lewis, Reuben Chap-
man, Joab Lawler, Joshua L.
Martin, and Francis Strother
Lyon

Twenty-Fifth Congress,

1837-1839

Dixon H. Lewis, Reuben Chap-
man, Joab Lawler (1837-8),
George W. Crabb, Joshua L.
Martin, and Francis Strother
Lyon

Twenty-Sixth Congress,

1839-1841

Dixon H. Lewis, Reuben Chap-
man, George W. Crabb, James
Dellett, and David Hubbard

Twenty-Seventh Congress,

1841-1843

Dixon H. Lewis, Reuben Chap-
man, George S. Houston, Wm.
W. Payne, and Benjamin D.
Shields

Twenty-Eighth Congress

1843-1845

Dixon H. Lewis, Reuben Chap-
man, George S. Houston, Wm.
W. Payne, James Dellett, F. G.
McConnell, James E. Belser,
and Wm. L. Yancey

Twenty-Ninth Congress,

1845-1847

Reuben Chapman, George S.
Houston, F. G. McConnell,
Wm. W. Payne, Edward S.
Dargan, Wm. L. Yancey (to
1846), Franklin W. Bowdon
(1846), James L. F. Cottrill
(1846), and H. W. Hilliard

*Elected but not seated.

Thirtieth Congress, 1847-1849

George S. Houston, Henry W. Hilliard, Franklin W. Bowdon, John Gayle, W. R. W. Cobb, Sampson W. Harris, and Samuel W. Inge

Thirty-First Congress, 1849-1851

Franklin W. Bowdon, Henry W. Hilliard, W. R. W. Cobb, Sampson W. Harris, Samuel W. Inge, David Hubbard, and W. J. Alston

Thirty-Second Congress,

1851-1853

George S. Houston, W. R. W. Cobb, Sampson W. Harris, James Abercrombie, John Bragg, Wm. Russell Smith, and Alexander White

Thirty-Third Congress,

1853-1855

George S. Houston, W. R. W. Cobb, Sampson W. Harris, Wm. R. Smith, James Abercrombie, James F. Dowdell, and Philip Phillips

Thirty-Fourth Congress,

1855-1857

George S. Houston, W. R. W. Cobb, Sampson W. Harris, William R. Smith, James F. Dowdell, Eli S. Shorter, and Percy Walker

Thirty-Fifth Congress,

1857-1859

George S. Houston, W. R. W. Cobb, James F. Dowdell, Eli Shorter, Jabez L. M. Curry, Sydenham Moore, and James A. Stallworth

Thirty-Sixth Congress,

1859-1861

George S. Houston, W. R. W. Cobb, Jabez L. M. Curry, Sydenham Moore, David CLOPTON, James L. Pugh, and Jas. A. Stallworth

(There were no representatives from Alabama in the Thirty-Seventh and Thirty-Eighth Congresses.)

REPRESENTATIVES IN THE CONFEDERATE STATES CONGRESS

Wm. P. Chilton.....1861-1865
J. L. M. Curry.....1861-1861
Thomas Fearn 1861
David Lewis 1861
Henry C. Jones..... 1861
Stephen F. Hale.....1861-1862
Colin J. McRae.....1861-1862
John G. Shorter.....1861-1862
Robert H. Smith.....1861-1862
Richard W. Walker...1861-1862
Cornelius Robinson...1861-1862

Nicholas Davis1861-1862
Edward S. Dargan...1862-1861
John P. Ralls.....1862-1861
David CLOPTON1862-1865
Thomas J. Foster...1862-1865
Francis S. Lyon.....1862-1865
James L. Pugh.....1862-1865
William R. Smith...1862-1865
Marcus D. Cruikshank,1861-1865
James S. Dickinson...1864-1865

REPRESENTATIVES IN THE UNITED STATES CONGRESS.

Thirty-Ninth Congress,

1865-1867

(The following gentlemen were elected but were denied their seats.)

Charles C. Langdon, George C. Freeman, Cullen A. Battle, Joseph W. Taylor, Burwell T. Pope, and Thomas J. Foster

Fortieth Congress, 1867-1869

F. W. Kellogg, Charles W. Buckley, Benjamin W. Norris, Charles W. Pierce, John B. Callis, Thomas Haughey. These took their seats in 1868.

Forty-First Congress, 1869-1871

Charles W. Buckley, Alfred E. Buck, Robert S. Helin, Charles Hays, Peter M. Dox, and W. C. Sherrod

Forty-Second Congress,

1871-1873

Charles W. Buckley, Charles Hays, Peter M. Dox, Benjamin F. Turner, William A. Handley, and Joseph H. Sloss

Forty-Third Congress, 1873-1875

Charles Hays, Joseph H. Sloss, F. G. Bromberg, J. T. Rapier, C. Pelham, John H. Caldwell, Alexander White, and C. C. Sheats

**Forty-Fourth Congress,
1875-1877**

Charles Hays, John H. Caldwell, Wm. H. Forney, Burwell B. Lewis, Jonathan Haralson, J. N. Williams, Paul Bradford, and George W. Hewitt

Forty-Fifth Congress, 1877-1879

Wm. H. Forney, J. N. Williams, Geo. W. Hewitt, James T. Jones, Hilary A. Herbert, Chas. M. Shelley, Robert F. Ligon, and Wm. W. Garth

Forty-Sixth Congress, 1879-1881

Wm. H. Forney, Hilary A. Herbert, Chas. M. Shelley, Burwell B. Lewis, Thomas H. Herndon, Wm. J. Sanford, Thomas Williams, and William M. Lowe

**Forty-Seventh Congress,
1881-1883**

Wm. H. Forney, Hilary A. Herbert, George W. Hewitt, Charles M. Shelley, Thomas Williams, Thomas A. Herndon, William C. Oates, and Joseph Wheeler

**Forty-Eighth Congress,
1883-1885**

Wm. H. Forney, Hilary A. Herbert, Charles M. Shelley, Thomas Williams, George W. Hewitt, Wm. C. Oates, James T. Jones, and Luke Pryor

Forty-Ninth Congress, 1885-1887

Wm. H. Forney, Hilary A. Herbert, Wm. C. Oates, James T. Jones, Joseph Wheeler, A. C. Davidson, T. W. Sadler, and John M. Martin

Fiftieth Congress, 1887-1889

Wm. H. Forney, Hilary A. Herbert, Wm. C. Oates, A. C. Davidson, James E. Cobb, John H. Bankhead, James T. Jones and Joseph Wheeler

Fifty-First Congress, 1889-1891

Richard H. Clarke, Hilary A. Herbert, Wm. C. Oates, John V. McDuffie (who unseated

Louis W. Turpin), James E. Cobb, John H. Bankhead, Wm. H. Forney, and Joseph Wheeler

**Fifty-Second Congress,
1891-1893**

Richard H. Clarke, Hilary A. Herbert, Wm. C. Oates, Louis W. Turpin, James E. Cobb, John H. Bankhead, Wm. H. Forney, and Joseph Wheeler

Fifty-Third Congress, 1893-1895

Richard H. Clarke, Jesse F. Stallings, Wm. C. Oates, Gaston A. Robbins, James E. Cobb, John H. Bankhead, Wm. H. Denson, Joseph Wheeler, and Louis W. Turpin

**Fifty-Fourth Congress,
1895-1897**

Richard H. Clarke, Jesse F. Stallings, George P. Harrison, Wm. F. Aldrich (who unseated Gaston A. Robbins), Albert T. Goodwin (who unseated James E. Cobb in 1896), John H. Bankhead, M. W. Howard, Joseph Wheeler, and Oscar W. Underwood

Fifty-Fifth Congress, 1897-1899

George W. Taylor, Jesse F. Stallings, Henry D. Clayton, Wm. F. Aldrich (who unseated T. S. Plowman in 1898), Willis Brewer, John H. Bankhead, M. W. Howard, Joseph Wheeler, and Oscar W. Underwood

Fifty-Sixth Congress, 1899-1901

George W. Taylor, Jesse F. Stallings, Henry D. Clayton, Gaston A. Robbins, Willis Brewer, John H. Bankhead, John L. Burnett, Joseph Wheeler and Oscar W. Underwood

**Fifty-Seventh Congress,
1901-1903**

George W. Taylor, Ariosto A. Wiley, Henry D. Clayton, Sidney J. Bowie, Charles W. Thompson, John H. Bankhead, John L. Burnett, William Richardson, and Oscar W. Underwood

**Fifty-Eighth Congress,
1903-1905**

George W. Taylor, Ariosto A. Wiley, Henry D. Clayton, Sidney J. Bowie, Charles W. Thompson, John H. Bankhead, John L. Burnett, William Richardson, and Oscar W. Underwood

Fifty-Ninth Congress, 1905-1907

George W. Taylor, Ariosto A. Wiley, Henry D. Clayton, Sidney J. Bowie (succeeded by Wm. B. Craig), J. Thomas Heflin, John H. Bankhead, John L. Burnett, William Richardson, and Oscar W. Underwood

Sixtieth Congress, 1907-1909

George W. Taylor, Ariosto A. Wiley (died at Hot Springs, Va., ———, 1908), Henry D. Clayton, Wm. B. Craig, J. Thos. Heflin, Richmond Pearson Hobson, John L. Burnett, Wm. Richardson, and Oscar W. Underwood

Sixty-First Congress, 1909-1911

George W. Taylor, S. H. Dent, Henry D. Clayton, William B. Craig, J. Thomas Heflin, Richmond Pearson Hobson, John L. Burnett, William Richardson, and Oscar W. Underwood

CONSTITUTION

OF THE

STATE OF ALABAMA

AS ADOPTED BY THE

CONSTITUTIONAL CONVENTION, SEPTEMBER 3, 1901,
AND IN EFFECT NOVEMBER 28, 1901

We, the people of the State of Alabama, in order to establish justice, insure domestic tranquility and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government for the State of Alabama:

ARTICLE I

Declaration of Rights

That the great, general and essential principles of liberty and free government may be recognized and established, we declare:

1. That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.

3. That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination or mode of worship; that no one shall be compelled by law to attend any place of worship; nor to pay any tithes, taxes, or other rate for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this State; and that the civil rights, privileges and capacities of any citizen shall not be in any manner affected by his religious principles.

4. That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write

and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

5. That the people shall be secure in their persons, houses, papers and possessions from unreasonable seizure or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.

6. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel or either; to demand the nature and cause of the accusation, and to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property, except by due process of law; but the Legislature may, by a general law, provide for a change of venue at the instance of the defendant in all prosecutions by indictment, and such change of venue on application of the defendant, may be heard and determined without the personal presence of the defendant so applying therefor; provided, that at the time of the application for the change of venue, the defendant is imprisoned in jail or some legal place of confinement.

7. That no person shall be accused or arrested, or detained except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

8. That no person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution: provided that in cases of misdemeanor, the Legislature may by law dispense with a Grand Jury and authorize such prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established.

9. That no person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain in advantage by reason of such discharge of the jury.

10. That no person shall be barred from prosecuting or defending before any tribunal in this State, by himself or counsel, any civil cause to which he is a party.

11. That the right of trial by jury shall remain inviolate.

12. That in all prosecutions for libel or for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public infor-

mation, the truth thereof may be given in evidence; and that in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court.

13. That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial or delay.

14. That the State of Alabama shall never be made a defendant in any court of law or equity.

15. That excessive fines shall not be imposed, nor cruel or unusual punishment inflicted.

16. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.

17. That the privilege of the writ of habeas corpus shall not be suspended by the authorities of this State.

18. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court.

19. That no person shall be attainted of treason by the Legislature; and no conviction shall work corruption of blood or forfeiture of estate.

20. That no person shall be imprisoned for debt.

21. That no power of suspending laws shall be exercised except by the Legislature.

22. That no ex post facto law, nor any law, impairing the obligations of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the Legislature; and every grant or franchise, privilege or immunity, shall forever remain subject to revocation, alteration or amendment.

23. That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the Legislature from taking the property and franchises of incorporated companies, and subjecting them to public use in the same manner in which the property and franchises of individuals are taken and subjected; but private property shall not be taken for, or applied to, public use, unless just compensation be first made therefor; nor shall private property be taken for private use, or for the use of corporations, other than municipal, without the consent of the owner; provided, however, the Legislature may by law secure to persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by persons and corporations of the rights herein reserved; but just compensations shall, in all cases, be first made to the owner; and, provided, that the right of eminent domain shall not be so construed as to allow taxation or

forced subscription for the benefit of railroads or any other kind of corporations, other than municipal, or for the benefit of any individual or association.

24. That all navigable waters shall remain forever public highways, free to the citizens of the State and the United States, without tax, impost or toll; and that no tax, toll, impost or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the shores or any wharf erected on the shores, or in or over the waters, of any navigable stream, unless the same be expressly authorized by law.

25. That the citizens have a right, in a peaceable manner, to assemble together for the common good and to apply to those invested with the power of government for redress or grievances or other purposes, by petition, address or remonstrance.

26. That every citizen has a right to bear arms in defense of himself and the State.

27. That no standing army shall be kept up without the consent of the Legislature, and, in that case, no appropriation for its support shall be made for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

28. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

29. That no title of nobility or hereditary distinction, privilege, honor or emolument shall ever be granted or conferred in this State; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

30. That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled.

31. The temporary absence from the State shall not cause a forfeiture of residence once obtained.

32. That no form of slavery shall exist in this State; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

33. The privilege of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or other improper conduct.

34. Foreigners who are, or may hereafter become, bona fide residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native-born citizens.

35. That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty and property, and when the government assumes other functions, it is usurpation and oppression.

36. That this enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any

encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.

ARTICLE II

State and County Boundaries

37. The boundaries of this State are established and declared to be as follows, that is to say: Beginning at the point where the thirty-first degree north latitude crosses the Perdido river; thence east, to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee; thence west along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line; thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this State, as originally formed; thence to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence up the said river to the beginning; provided that the limits and jurisdiction of this State shall extend to and include any other land and territory hereafter acquired, by contract or agreement with other States or otherwise, although such land and territory are not included within the boundaries hereinafore designated.

38. The boundaries of the several counties of this State, as they now exist, are hereby ratified and confirmed.

39. The Legislature may by vote of two-thirds of each House thereof arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote; but no new county shall be formed hereafter of less extent than six hundred square miles, and no existing county shall be reduced to less than six hundred square miles; and no new county shall be formed unless it shall contain a sufficient number of inhabitants to entitle it to one Representative under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants to entitle such county or counties each, to separate representation; provided, that out of the counties of Henry, Dale and Geneva a new county of less than six hundred square miles may be formed under the provisions of this article, so as to leave said counties of Henry, Dale and Geneva with not less than five hundred square miles each.

40. No county line shall be altered or changed, or in the event of the creation of new counties shall be established, so as to run within seven miles of the county court house of any old county.

41. No court house or county site shall be removed except by a majority vote of the qualified electors of said county, voting at an election held for such purpose, and when an election has once been held no other election shall be held for such purpose until the expiration of four years; provided, that the county site of

Shelby county shall remain at Columbiana, unless removed, by a vote of the people, as provided for in an act entitled, "An Act to provide for the permanent location of the county site of Shelby county, Alabama, by a vote of the qualified electors of said county," approved the 9th day of February, 1899, and the act amendatory thereof, approved the 20th day of February, 1899, or by an election held under the provisions of this article.

ARTICLE III

Distribution of Powers of Government

42. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

43. In the government of this State, except in the instances in this Constitution hereinafter expressly directed or permitted, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men.

ARTICLE IV

Legislative Department

44. The legislative power of this State shall be vested in a Legislature, which shall consist of a Senate and a House of Representatives.

45. The style of the laws of this State shall be: "Be it enacted by the Legislature of Alabama," which need not be repeated, but the act shall be divided into sections for convenience, according to substance, and the sections designated merely by figures. Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes; and no law shall be revived, amended or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be reenacted and published at length.

46. Senators and Representatives shall be elected by the qualified electors on the first Tuesday after the first Monday in November, unless the Legislature shall change the time of holding elections, and in every fourth year thereafter. The terms of office of the Senators and Representatives shall commence on the day after the general election at which they are elected, and expire on the day after the general election held in the fourth year after their election, except as otherwise provided in this Constitution. At the general election in the year nineteen hundred and two all the Representatives, together with the Senators for the even numbered districts and for the Thirty-fifth district, shall be elected. The

terms of those Senators who represent the odd numbered districts under the law in force prior to the ratification of this Constitution, are hereby extended until the day after the general election in the year nineteen hundred and six; and until the expiration of his terms as hereinbefore extended, each such Senator shall represent the district established by this Constitution, bearing the number corresponding with that for which he was elected. In the year nineteen hundred and six, and in every fourth year thereafter, all the Senators and Representatives shall be elected. Whenever a vacancy shall occur in either House the Governor shall issue a writ of election to fill such vacancy for the remainder of the term.

47. Senators shall be at least twenty-five years of age, and Representatives twenty-one years of age at the time of their election. They shall have been citizens and residents of this State for three years and residents of their respective counties or districts for one year next before their election, if such county or district shall have been so long established; but if not, then of the county or district from which the same shall have been taken; and they shall reside in their respective counties or districts during their terms of office.

48. The Legislature shall meet quadrennially at the Capitol, in the Senate chamber, and in the Hall of the House of Representatives, on the second Tuesday in January next succeeding their election, or on such other day as may be prescribed by law; and shall not remain in session longer than sixty days at the first session held under the Constitution, nor longer than fifty days at any subsequent session. If at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol or for the Senate to meet or remain in the Senate Chamber, or for the Representatives to meet or remain in the Hall of the House of Representatives, the Governor may convene the Legislature, or remove it, after it has convened, to some other place; or may designate some other place for the sitting of the respective Houses, or either of them, as necessity may require.

49. The pay of the members of the Legislature shall be four dollars per day, and ten cents per mile in going to and returning from the seat of government, to be computed by the nearest usual route traveled.

50. The Legislature shall consist of not more than thirty-five Senators, and not more than one hundred and five members of the House of Representatives, to be apportioned among the several districts and counties as prescribed in this Constitution; provided that in addition to the above number of Representatives, each new county hereafter created shall be entitled to one Representative.

51. The Senate, at the beginning of each regular session and at such other times as may be necessary, shall elect one of its members president pro tem thereof to preside over its deliberations in the absence of the Lieutenant-Governor; and the House of Representatives, at beginning of each regular session, and at such other

times as may be necessary, shall elect one of its members as Speaker; and the President of the Senate and the Speaker of the House of Representatives shall hold their offices, respectively, until their successors are elected and qualified. In case of the temporary disability of either of said presiding officers, the House to which he belongs may elect one of its members to preside over that House and to perform all the duties of such officer during the continuance of his disability, and such temporary officer, while performing duty as such, shall receive the same compensation to which the permanent officer is entitled by law, and no other. Each House shall choose its own officers and shall judge of the election, returns and qualifications of its members.

52. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each House may provide.

53. Each House shall have power to determine the rules of its proceedings and to punish its members and other persons, for contempt or disorderly behavior in its presence; to enforce obedience to its processes; to protect its members against violence, or offers of bribes or corrupt solicitation; and with the concurrence of two-thirds of the House, to expel a member, but not a second time for the same offense; and the two houses shall have all the powers necessary for the Legislature of a free State.

54. A member of the Legislature, expelled for corruption, shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

55. Each House shall keep a Journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either House on any question shall, at the request of one-tenth of the members present, be entered on the Journal. Any member of either House shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or to an individual, and have the reason for his dissent entered on the Journal.

56. Members of the Legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

57. The doors of each House shall be opened except on such occasions as, in the opinion of the House, may require secrecy; but no person shall be admitted to the floor of either House while the same is in session, except members of the Legislature, officers and employees of the two Houses, the Governor and his secretary, representatives of the press, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor.

58. Neither House shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting, except as otherwise provided in this Constitution.

59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

60. No person convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the Legislature, or capable of holding any office of trust or profit in this State.

61. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either House as to change its original purpose.

62. No bill shall become a law until it shall have been referred to a standing committee of each House, acted upon by such committee in session, and returned therefrom, which facts shall affirmatively appear upon the Journal of each House.

63. Every bill shall be read on three different days in each House, and no bill shall become a law, unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same be entered upon the Journals, and a majority of each House be recorded thereon as voting in its favor, except as otherwise provided in this Constitution.

64. No amendment to bills shall be adopted except by a majority of the House wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the Journal of the House in which the same is adopted, and no amendment to bills by one House shall be concurred in by the other, unless a vote be taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the Journal; and no report of a committee of conference shall be adopted in either House, except upon a vote taken by yeas and nays, and entered on the Journal, as herein provided for the adoption of amendments.

65. The Legislature shall have no power to authorize lotteries or gift enterprises for any purposes, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; and all acts, or parts of acts heretofore passed by the Legislature of this State, authorizing a lottery or lotteries, and all acts amendatory thereof, or supplemental thereto, are hereby avoided.

66. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the Journal; but the reading at length may be dispensed with by a two-thirds

vote of a quorum present, which fact shall also be entered on the Journal.

67. The Legislature shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury or be in any way authorized to any person except to an acting officer or employe elected or appointed in pursuance of law.

68. The Legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant any extra compensation, fee or allowance to any public officer, servant or employe, agent or contractor, after service shall have been rendered or contract made, nor to increase or decrease the fees and compensation of such officers during their terms of office; nor shall any officer of the State bind the State to the payment of any sum of money but by authority of law; provided this section shall not apply to allowances made by commissioners' courts or boards of revenue to county officers for ex-officio services, nor prevent the Legislature from increasing or diminishing at any time the allowance to sheriffs or other officers for feeding, transferring or guarding prisoners.

69. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished and the printing, binding and distribution of laws, Journals, department reports, and all other printing, binding and repairing and furnishing the halls and rooms used for the meeting of the Legislature and its committees, shall be performed under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contract, and all such contracts shall be subject to the approval of the Governor, Auditor and Treasurer.

70. All bills for raising revenue shall originate in the House of Representatives. The Governor, Auditor and Attorney General shall, before each regular session of the Legislature, prepare a general revenue bill to be submitted to the Legislature, for its information, and the Secretary of State shall have printed for the use of the Legislature a sufficient number of copies of the bill so prepared which the Governor shall transmit to the House of Representatives as soon as organized, to be used or dealt with as that House may elect. The Senate may propose amendments to revenue bills. No revenue bill shall be passed during the last five days of the session.

71. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial departments of the State, for interest on the public debt, and for the public schools. The salary of no officer or employe shall be increased in such bill, nor shall any appropriation be made therein for any officer or employe unless his employment and the amount of his salary have already been

provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject.

72. No money shall be paid out of the Treasury except upon appropriations made by law, and to warrant drawn by the proper officer in pursuance thereof; and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

73. No appropriation shall be made to any charitable or educational institution not under the absolute control of the State, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians or other trustees in the bonds or stock of any private corporation; and any such acts now existing are avoided, saving investments heretofore made.

75. The power to change the venue in civil and criminal causes is vested in the courts, to be exercised in such manner as shall be provided by law.

76. When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, except by a vote of two-thirds of each House. Special sessions shall be limited to thirty days.

77. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

78. No act of the Legislature changing the seat of government of the State shall become a law until the same shall have been submitted to the qualified electors of the State at a general election, and approved by a majority of such electors voting on the same; and such act shall specify the proposed new location.

79. A member of the Legislature who shall solicit, demand or receive, or consent to receive, directly or indirectly for himself or for another, from any company, corporation, association or persons, any money, office, appointment, employment, reward, thing of value, or enjoyment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same; or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby; or who shall solicit or demand any such money or other advantage, matter or thing aforesaid, for another as the consideration for his vote, or influence, or for withholding the same; or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be guilty of bribery within the meaning of this Constitution; and shall incur the disabilities and penalties provided thereby for such offense, and such additional punishment as is or shall be provided by law.

80. Any person who shall, directly or indirectly, offer, give or promise any money, or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as may be provided by law.

81. The offense of corrupt solicitation of members of the Legislature or of public officers of this State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment in the penitentiary; and the Legislature shall provide for the trial and punishment of the offenses enumerated in the two preceding sections, and shall require the judges to give the same specially in charge to the grand juries in all the counties of this State.

82. A member of the Legislature who has a personal or private interest in any measure or bill proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

83. In all elections by the Legislature the members shall vote viva voce, and the votes shall be entered on the Journal.

84. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitrators to be appointed by the parties who may choose that mode of adjustment.

85. It shall be the duty of the Legislature, at its first session after the ratification of this Constitution, and within every subsequent period of twelve years, to make provision by law for revising, digesting and promulgating the public statutes of this State, of a general nature, both civil and criminal.

86. The Legislature shall pass such penal laws as it may deem expedient to suppress the evil practice of dueling.

87. It shall be the duty of the Legislature to regulate by law the cases in which deduction shall be made from the salaries or compensation of public officers for neglect of duty in their official capacities, and the amount of such deduction.

88. It shall be the duty of the Legislature to require the several counties of the State to make adequate provision and maintenance of the poor.

89. The Legislature shall not have power to authorize any municipal corporation to pass any laws inconsistent with the general laws of this State.

90. In the event of the annexation of any foreign territory to this State, the Legislature shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of acquisition not inconsistent with this Constitution. Should the State purchase such foreign territory, the Legislature, with the approval of the Governor, shall be authorized to expend any money in the Treasury not otherwise appropriated, and, if necessary, to provide also for

the issuance of State bonds to pay for the purchase of such foreign territory.

91. The Legislature shall not tax the property, real or personal, of the State, counties or other municipal corporations, or cemeteries; nor lots in incorporated cities or towns, or within one mile of any city or town to the extent of one acre, nor lots one mile or more distant from such cities or towns to the extent of five acres, with the buildings thereon, when same are used exclusively for religious worship, for schools, or for purposes purely charitable.

92. The Legislature shall by law prescribe such rules and regulations as may be necessary to ascertain the value of real and personal property exempted from sale under legal process by this Constitution, and to secure the same to the claimant thereof as selected.

93. The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association or corporation.

94. The Legislature shall not have power to authorize any county, city, town, or other subdivision of this State to lend its credit, or to grant public money or thing of value in aid of, or to, any individual, association or corporation whatsoever, or to become a stockholder in any such corporation, association or company by issuing bonds or otherwise.

95. There can be no law of this State impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the Legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this State. After suit has been commenced on any cause of action, the Legislature shall have no power to take away such cause of action, or destroy any existing defense to such suit.

96. The Legislature shall not enact any law not applicable to all the counties in the State, regulating costs and charges of courts, or fees, commissions or allowances of public officers.

97. The Legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

98. The Legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

99. The lands belonging to or under the control of the State shall never be donated directly or indirectly to private corporations, associations or individuals, or railroad companies; nor shall such lands be sold to corporations or associations for a less price than that for which they are subject to sale to individuals; provided, that nothing contained in this section shall prevent the Legislature from granting a right of way, not exceeding one hundred and twenty-five feet in width, as a mere easement, for railroads or telegraph or telephone lines across State lands, and the Legislature shall never dispose of the land covered by such right of way except subject to such easement,

100. No obligation or liability of any person, association or corporation held or owned by this State, or by any county or other municipality thereof, shall ever be remitted, released or postponed, or in any way diminished, by the Legislature; nor shall such liability or obligation be extinguished except by payment thereof; nor shall such liability, or obligation be exchanged or transferred except upon payment of its face value; provided, that this section shall not prevent the Legislature from providing by general law for the compromise of doubtful claims.

101. No State or county official shall, at any time during his term of office, accept, either directly or indirectly, any fee, money, office, appointment, employment, reward or thing of value, or of personal advantage, or the promise thereof, to lobby for or against any measure pending before the Legislature, or to give or withhold his influence to secure the passage or defeat of any such measure.

102. The Legislature shall never pass any law to authorize or legalize any marriage between any white person and a negro, or a descendant of a negro.

103. The Legislature shall provide by law for the regulation, prohibition, or reasonable restraint of common carriers, partnerships, associations, trusts, monopolies, and combinations of capital, so as to prevent them or any of them from making scarce articles of necessity, trade or commerce, or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade or business.

Local Legislation

104. The Legislature shall not pass a special, private or local law in any of the following cases:

- (1.)—Granting a divorce;
- (2.)—Relieving any minor of the disabilities of non-age;
- (3.)—Changing the name of any corporation, association or individual;
- (4.)—Providing for the adopting or legitimizing of any child;
- (5.)—Incorporating a city, town or village;
- (6.)—Granting a charter to any corporation, association or individual;
- (7.)—Establishing rules of descent or distribution;
- (8.)—Regulating the time within which a civil or criminal action may be begun;
- (9.)—Exempting any individual, private corporation or association from the operation of any general law;
- (10.)—Providing for the sale of the property of any individual or estate;
- (11.)—Changing or locating a county seat;
- (12.)—Providing for a change of venue in any case;
- (13.)—Regulating the rate of interest;
- (14.)—Fixing the punishment of crime;
- (15.)—Regulating either the assessment or collection of taxes, except in connection with the readjustment, renewal, or extension

of existing municipal indebtedness created prior to the ratification of the Constitution of eighteen hundred and seventy-five;

(16.)—Giving effect to an invalid will, deed, or other instrument;

(17.)—Authorizing any county, city, town, village, district or other political subdivision of a county, to issue bonds or other securities unless the issuance of said bonds or other securities shall have been authorized before the enactment of such local or special law, by a vote of the duly qualified electors of such county, township, city, town, village, district or other political subdivision of a county, at an election held for such purpose, in the manner that may be prescribed by law; provided the Legislature may without such election, pass special laws to refund bonds issued before the date of the ratification of this Constitution;

(18.)—Amending, confirming or extending the charter of any private municipal corporation, or remitting the forfeiture thereof; provided, this shall not prohibit the Legislature from altering or rearranging the boundaries of the city, town or village;

(19.)—Creating, extending or impairing any lien;

(20.)—Chartering or licensing any ferry, road or bridge;

(21.)—Increasing the jurisdiction and fees of justices of the peace, or fees of constables;

(22.)—Establishing separate school districts;

(23.)—Establishing separate stock districts;

(24.)—Creating, increasing or decreasing fees, percentages or allowances of public officers;

(25.)—Exempting property from taxation or from levy or sale;

(26.)—Exempting any person from jury, road or other civil duty;

(27.)—Donating any lands owned or under control of the State to any person or corporation;

(28.)—Remitting fines, penalties or forfeitures;

(29.)—Providing for the conduct of elections or designating places of voting, or changing the boundaries of wards, precincts or districts, except in the event of the organization of new counties, or the changing of the lines of old counties;

(30.)—Restoring the right to vote to persons convicted of infamous crimes, or crimes involving moral turpitude;

(31.)—Declaring who shall be liners between precincts or between counties.

104. The Legislature shall pass general laws for the cases enumerated in this section, provided that nothing in this section or article shall affect the right of the Legislature to enact local laws regulating or prohibiting the liquor traffic; but no such local law shall be enacted unless notice shall have been given as required in Section 106 of this Constitution.

105. No special, private or local law, except a law fixing the time of holding courts, shall be enacted in any case which is provided for by a general law, or when the relief sought can be given by any court of this State; and the courts, and not the Legislature, shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought

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can be given by any court; nor shall the Legislature indirectly enact any such special, private or local law by the partial repeal of a general law.

106. No special, private or local law shall be passed on any subject not enumerated in Section 104 of this Constitution, except in reference to fixing the time of holding courts, unless notice of the intention to apply therefor shall have been published, without cost to the State, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law and be published at least once a week for four consecutive weeks in some newspaper published in such county or counties, or if there is no newspaper published therein, then by posting the said notice for four consecutive weeks at five different places in the county or counties prior to the introduction of the bill; and proof by affidavit that said notice has been given shall be exhibited to each House of the Legislature, and said proof spread upon the Journal. The courts shall pronounce void every special, private or local law which the Journals do not affirmatively show was passed in accordance with the provisions of this section.

107. The Legislature shall not, by, a special, private or local law, repeal or modify any special, private or local law except upon notice being given and shown as provided in the last preceding section.

108. The operation of a general law shall not be suspended for the benefit of any individual, private corporation or association; nor shall any individual, private corporation or association be exempted from the operation of any general law except as in this article otherwise provided.

109. The Legislature shall pass general laws under which local and private interests shall be provided for and protected.

110. A general law within the meaning of this article is a law which applies to the whole State; a local law is a law which applies to any political subdivision or subdivisions of the State less than the whole; a special or private law within the meaning of this article is one which applies to an individual, association or corporation.

111. No bill introduced as a general law in either House of the Legislature shall be so amended on its passage as to become a special, private or local law.

ARTICLE V

Executive Department

112. The Executive department shall consist of a Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture and Industries, and a Sheriff for each county.

113. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Alabama,"

114. The Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries shall be elected by the qualified electors of the State at the same time and places appointed for the election of members of the Legislature in the year nineteen hundred and two, and in every fourth year thereafter.

115. The returns of every election for Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries shall be sealed up and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session to which such returns shall be made, open and publish them in the presence of both Houses of the Legislature in joint convention; but the Speaker's duty and the duty of the joint convention shall be purely ministerial. The result of the election shall be ascertained and declared by the Speaker from the face of the returns without delay. The person having the highest number of votes for any one of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the Legislature by joint vote, without delay, shall choose one of said persons for said office. Contested elections for Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries shall be determined by both Houses of the Legislature in such manner as may be prescribed by law.

116. The Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries, elected after the ratification of this Constitution, shall hold their respective offices for the term of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors shall be elected and qualified. After the first election under this Constitution no one of said officers shall be eligible as his own successor; and the Governor shall not be eligible to election or appointment to any office under this State, or to the Senate of the United States, during his term, and within one year after the expiration thereof.

117. The Governor and Lieutenant-Governor shall each be at least thirty years of age when elected, and shall have been citizens of the United States ten years, and resident citizens of this State at least seven years next before the date of their election. The Lieutenant-Governor shall be ex-officio President of the Senate, but shall have no right to vote except in the event of a tie.

118. The Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries shall

receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the Lieutenant-Governor, reside at the State Capital during the time they continue in office, except during epidemics. The compensation of the Lieutenant-Governor shall be the same as that received by the Speaker of the House, except while serving as Governor, during which time his compensation shall be the same as that allowed the Governor.

119. If the Legislature, at the session next after the ratification of this Constitution, shall enact a law increasing the salary of the Governor, such increase shall become effective and apply to the first Governor elected after the ratification of this Constitution, if the Legislature shall so determine.

120. The Governor shall take care that the laws be faithfully executed.

121. The Governor may require information in writing, under oath, from the officers of the executive department, named in this article, or created by statute, on any subject relating to the duties of their respective offices; and he may at any time require information in writing, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions. Any such officer or manager who makes a wilfully false report, or fails without sufficient excuse to make the required report on demand, is guilty of an impeachable offense.

122. The Governor may, by proclamation, on extraordinary occasions, convene the Legislature at the seat of government, or at a different place if, since their last adjournment, that shall have become dangerous from an enemy, insurrection, or other lawless outbreak, or from any infectious or contagious disease; and he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

123. The Governor shall, from time to time, give to the Legislature information of the state of the government, and recommend for its consideration such measures as he may deem expedient; and at the commencement of each regular session of the Legislature, and at the close of his term of office, he shall give information by written message of the condition of the State; and he shall account to the Legislature, as may be prescribed by law, for all moneys received and paid out by him or by his order; and at the commencement of each regular session he shall present to the Legislature estimates of the amount of money required to be raised by taxation for all purposes.

124. The Governor shall have power to remit fines and forfeitures, under such rules and regulations as may be prescribed by law; and, after conviction, to grant reprieves, paroles, commutations of sentence and pardons, except in cases of impeachment. The Attorney General, Secretary of State, and State Auditor shall constitute a Board of Pardons, who shall meet on the call of the Governor, and before whom shall be laid all recommendations or petitions, for pardon, commutation or parol, in cases of felony;

and the board shall hear them in open session, and give their opinion thereon in writing to the Governor, after which or on the failure of the board to advise for more than sixty days, the Governor may grant or refuse the commutation, parol or pardon, as to him seems best for the public interest. He shall communicate to the Legislature at each session every remission of fines and forfeitures, and every reprieve, commutation, parol, or pardon, with his reasons therefor, and the opinion of the Board of Pardons in each case required to be referred, stating the name and crime of the convict, the sentence, its date, and the date of reprieve, commutation, parol or pardon. Pardons in cases of felony and other offenses involving moral turpitude shall not relieve from civil and political disabilities, unless approved by the Board of Pardons and specifically expressed in the pardon.

125. Every bill which shall have passed both Houses of the Legislature, except as otherwise provided in this Constitution, shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon the Journal and proceed to reconsider it. If the Governor's message proposes no amendment which would remove his objections to the bill, the House in which the bill originated may proceed to reconsider it, and if a majority of the whole number elected to that House vote for the passage of the bill, it shall be sent to the other House, which shall in like manner reconsider, and if a majority of the whole number elected to that House vote for the passage of the bill, the same shall become a law, notwithstanding the Governor's veto. If the Governor's message proposes amendment, which would remove his objections, the House to which it is sent may so amend the bill and send it with the Governor's message to the other House, which may adopt, but cannot amend, said amendment; and both Houses concurring in the amendment, the bill shall again be sent to the Governor and acted on by him as other bills. If the House to which the bill is returned refuses to make such amendment, it shall proceed to reconsider it; and if a majority of the whole number elected to that House shall vote for the passage of the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if approved by a majority of the whole number elected to that House, it shall become a law. If the House to which the bill is returned makes the amendment, and the other House declines to pass the same, that House shall proceed to reconsider it, as though the bill had originated therein, and such proceedings shall be taken thereon as above provided. In every such case the vote of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered upon the Journals of each House respectively. If any bill shall not be returned by the Governor within six days, Sunday excepted, after it shall have been presented, the same shall become a law in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent

the return, in which case it shall not be a law; but when return is prevented by recess, such bill must be returned to the House in which it originated within two days after the reassembling, otherwise it shall become a law, but bills presented to the Governor within five days before the final adjournment of the Legislature may be approved by the Governor at any time within ten days after such adjournment, and if approved and deposited with the Secretary of State within that time shall become law. Every vote, order, or resolution to which concurrence of both Houses may be necessary, except on questions of adjournment and the bringing on of elections by the two Houses, and amending this Constitution, shall be presented to the Governor; and, before the same shall take effect, be approved by him; or, being disapproved, shall be repassed by both Houses according to the rules and limitations prescribed in the case of a bill.

126. The Governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or the parts of the bill approved shall be the law, and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of bills over the executive veto; and he shall in writing state specifically the item or items he disapproves, setting the same out in full in his message, but in such case the enrolled bill shall not be returned with the Governor's objection.

127. In case of the Governor's removal from office, death or resignation, the Lieutenant-Governor shall become Governor. If both the Governor and Lieutenant-Governor be removed from office, die, or resign more than sixty days prior to the next general election at which any State officers are to be elected, a Governor and Lieutenant-Governor shall be elected at such election for the unexpired term, and in the event of a vacancy in the office, caused by the removal from office, death or resignation of the Governor and Lieutenant-Governor, pending such vacancy and until their successors shall be elected and qualified, the office of Governor shall be held and administered by either the President pro tem of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, or State Treasurer in the order herein named. In case of the impeachment of the Governor, his absence from the State for more than twenty days, unsoundness of mind, or other disability, the power and authority of the office shall, until the Governor is acquitted, returns to the State, or is restored to his mind, or relieved from other disability, devolve in the order herein named, upon the Lieutenant-Governor, President pro tem of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, and State Treasurer. If any of these officers be under any of the disabilities herein specified, the office of Governor shall be administered in the order named by such of these officers as may be free from such disability. If the Governor shall be absent from the State over twenty days, the Secretary of State shall notify the Lieutenant-Governor, who

shall enter upon the duties of Governor; if both the Governor and Lieutenant-Governor shall be absent from the State over twenty days, the Secretary of State shall notify the President pro tem of the Senate, who shall enter upon the duties of Governor, and so on, in case of such absence, shall notify each of the other officers named in their order, who shall discharge the duties of the office until the Governor or other officer entitled to administer the office in succession to the Governor returns. If the Governor-elect fails or refuse from any cause to qualify, the Lieutenant-Governor-elect shall qualify and exercise the duties of Governor until the Governor-elect qualifies; and in the event both the Governor-elect and the Lieutenant-Governor-elect from any cause fail to qualify, the President pro tem of the Senate, the Speaker of the House of Representatives, the Attorney General, State Auditor, Secretary of State, and State Treasurer shall in like manner, in the order named, administer the office, until the Governor-elect or Lieutenant-Governor-elect qualifies.

128. If the Governor or other officer administering the office shall appear to be of unsound mind, it shall be the duty of the Supreme Court of Alabama, at any regular term, or at any special term, which it is hereby authorized to call for that purpose, upon request in writing, verified by their affidavits, of any two of the officers named in Section 127 of this Constitution, not next in succession to the office of Governor, to ascertain the mental condition of the Governor or other officer administering the office, and if he is adjudged to be of unsound mind, to so decree, a copy of which decree, duly certified, shall be filed in the office of Secretary of State; and in the event of such adjudication it shall be the duty of the officer next in succession to perform the duties of the office until the Governor or other officer administering the office is restored to his mind. If the incumbent denies that the Governor or other person entitled to administer the office has been restored to his mind, the Supreme Court, at the instance of any officer named in Section 127 of this Constitution, shall ascertain the truth concerning the same, and if the officer has been restored to his mind, shall so adjudge and file a duly certified copy of its decree with the Secretary of State; and in the event of such adjudication, the office shall be restored to him. The Supreme Court shall prescribe the method of taking testimony and the rules of practice in such proceedings, which rules shall include a provision for the service of notice of such proceedings on the Governor or person acting as Governor.

129. The Lieutenant-Governor, President pro tem of the Senate, Speaker of the House, Attorney General, State Auditor, Secretary of State, or State Treasurer, while administering the office of Governor, shall receive like compensation as that prescribed by law for the Governor, and no other.

130. No person shall at the same time hold the office of Governor and any other office, civil or military, under this State, or the United States, or any other State or government, except as otherwise provided in this Constitution.

131. The Governor shall be commander-in-chief of the militia and volunteer forces of this State, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress insurrection and repel invasion, but need not command in person unless directed to do so by resolution of the Legislature; and when acting in the service of the United States, he shall appoint his staff, and the Legislature shall fix his rank.

132. No person shall be eligible to the office of Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, or Commissioner of Agriculture and Industries unless he shall have been a citizen of the United States at least seven years, and shall have resided in this State at least five years next preceding his election, and shall be at least twenty-five years old when elected.

133. There shall be a seal of the State which shall be used officially by the Governor, and the seal now in use shall continue to be used until another shall have been adopted by the Legislature. The seal shall be called "The Great Seal of the State of Alabama."

134. The Secretary of State shall be the custodian of the Great Seal of the State, and shall authenticate therewith all official acts of the Governor, except his approval of laws, resolutions, appointments to office, and administrative orders. He shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and lay copies of same together with copies of all papers relative thereto, before either House of the Legislature when required to do so, and shall perform such other duties as may be prescribed by law.

135. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the Great Seal of the State, signed by the Governor and countersigned by the Secretary of State.

136. Should the office of Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, or Commissioner of Agriculture and Industries become vacant from any cause, the Governor shall fill such vacancy until the disability is removed or a successor elected and qualified. In case any of said officers shall become of unsound mind, such unsoundness shall be ascertained by the Supreme Court upon the suggestion of the Governor.

137. The Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries shall perform such duties as may be prescribed by law. The State Treasurer and State Auditor shall every year, at a time fixed by the Legislature, make a full and complete report to the Governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports oftener upon any matters pertaining to their offices, if required by the

Governor or the Legislature. The Attorney General, State Auditor, Secretary of State, State Treasurer, and Commissioner of Agriculture and Industries shall not receive to their use any fees, costs, perquisites of office or other compensation than the salaries prescribed by law, and all fees that may be payable for any services performed by such officers shall be at once paid into the State Treasury.

138. A Sheriff shall be elected in each county by the qualified electors thereof, who shall hold office for a term of four years, unless sooner removed, and he shall be ineligible to such office as his own successor; provided, that the terms of all Sheriffs expiring in the year nineteen hundred and four are hereby extended until the time of the expiration of the terms of the other executive officers of this State in the year nineteen hundred and seven, unless sooner removed. Whenever any prisoner is taken from jail, or from the custody of any Sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice or other grave fault of the Sheriff, such Sheriff may be impeached under Section 174 of the Constitution. If the Sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the time for which he had been elected or appointed to serve as Sheriff.

ARTICLE VI

Judicial Department

139. The judicial power of the State shall be vested in the Senate sitting as a court of impeachment, a Supreme Court, Circuit Courts, Chancery Courts, Courts of Probate, such courts of law and equity inferior to the Supreme Court, and to consist of not more than five members, as the Legislature from time to time may establish, and such persons as may be by law invested with powers of a judicial nature; but no court of general jurisdiction, at law or in equity, or both, shall hereafter be established in and for any one county having a population of less than twenty thousand, according to the next preceding Federal census, and property assessed for taxation at a less valuation than three million five hundred thousand dollars.

140. Except in cases otherwise directed in this Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law, except where jurisdiction over appeals is vested in some inferior court, and made final therein; provided, that the Supreme Court shall have power to issue writs of injunction, habeas corpus, quo warrant, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.

141. The Supreme Court shall be held at the seat of government, but if that shall become dangerous from any cause, it may convene at or adjourn to another place.

142. Except as otherwise authorized in this article, the State shall be divided into convenient circuits. For each circuit there shall be chosen a judge, who shall, for one year next preceding his election and during his continuance in office, reside in the circuit for which he is elected.

143. The Circuit Court shall have original jurisdiction in all matters civil and criminal within the State not otherwise excepted in this Constitution; but in civil cases, other than suits for libel, slander, assault and battery, and ejectment, it shall have no original jurisdiction except where the matter or sum in controversy exceeds fifty dollars.

144. A Circuit Court, or a court having the jurisdiction of the Circuit Court, shall be held in each county in the State at least twice every year, and judges of the several courts mentioned in this section may hold court for each other when they deem it expedient, and shall do so when directed by law. The judges of the several courts mentioned in this section shall have power to issue writs of injunction, returnable to the Courts of Chancery, or courts having jurisdiction of Courts of Chancery.

145. The Legislature shall have power to establish a Court or Courts of Chancery, with original and appellate jurisdiction, except as otherwise authorized in this article. The State shall be divided by the Legislature into convenient Chancery divisions; each division shall be divided into districts, and for each division there shall be a chancellor, who shall have resided in the division for which he shall be elected or appointed, for one year next preceding his election or appointment, and shall reside therein during his continuance in office.

146. A Chancery Court, or a court having the jurisdiction of the Chancery Court, shall be held in each district, at a place to be fixed by law, at least twice in each year, and the chancellors may hold court for each other when they deem it necessary, and shall do so when directed by law.

147. Any county having a population of twenty thousand or more, according to the next preceding Federal census, and also taxable property of three million five hundred thousand dollars or more in value, according to the next preceding assessment of property for State and county taxation, need not be included in any circuit or chancery division; but if the value of its taxable property shall be reduced below that limit, or if its population shall be reduced below that number, the Legislature shall include such county in a circuit and chancery division, or either, embracing more than one county. No Circuit or Chancery division shall contain less than three counties, unless there be embraced therein a county having a population of twenty thousand or more, and taxable property of three million five hundred thousand dollars or more in value.

148. The Legislature may confer upon the Circuit Court or the Chancery Court the jurisdiction of both of the said courts. In counties having two or more courts of record, the Legislature may provide for the consolidation of all or any such courts of

record, except the Probate Court, with or without separate divisions, and sufficient number of judges for the transaction of business of such consolidated court.

149. The Legislature shall have power to establish in each county a court of probate, with general jurisdiction of orphan's business and with power to grant letters testamentary and administration; provided, that whenever any court having equity powers has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians and trustees, and including action upon the resignation of either of them.

150. The Justices of the Supreme Court, Chancellors, and the Judges of the Circuit Courts and other courts of record, except Probate Courts, shall, at stated times, receive for their services a compensation which shall not be diminished during their official terms; they shall receive no fees or prerequisites, nor hold any other office, except judicial offices, of profit or trust under this State or the United States, or any other government, during the time for which they have been elected or appointed.

151. The Supreme Court shall consist of one Chief Justice and such number of Associate Justices as may be prescribed by law.

152. The Chief Justice and Associate Justices of the Supreme Court, Judges of the Circuit Courts, Judges of Probate Courts, and Chancellors shall be elected by the qualified electors of the State, circuits, counties and chancery divisions, for which such courts may be established, at such times as may be prescribed by law, except as herein otherwise provided.

153. The Judges of such inferior courts of law and equity as may be by law established, shall be elected or appointed in such mode as the Legislature may prescribe.

154. Chancellors and Judges of all courts of record shall have been citizens of the United States and of this State for five years next preceding their election or appointment, and shall be not less than twenty-five years of age, and, except Judges of Probate Courts, shall be learned in the law.

155. Except as otherwise provided in this article, the Chief Justice and Associate Justices of the Supreme Court, Circuit Judges, Chancellors, and Judges of Probate, shall hold office for the term of six years, and until their successors are elected or appointed, and qualified; and the right of such Judges and Chancellors to hold their offices for the full term hereby prescribed shall not be affected by any change hereafter made by law in any circuit, division or county, or in the mode or time of election.

156. The Chief Justice and Associate Justices of the Supreme Court shall be chosen at an election to be held at the time and places fixed by law for the election of members of the House of Representatives of the Congress of the United States, until the Legislature shall by law change the time of holding such elections. The term of office of the Chief Justice, who shall be elected in the year nineteen hundred and four, shall be as provided in the last

preceding section. The successors of two of the Associate Justices elected in the year nineteen hundred and four shall be elected in the year nineteen hundred and six, and the successors of the other two Associate Justices elected in nineteen hundred and four, shall be elected in the year nineteen hundred and eight. The Associate Justices of said court elected in the year nineteen hundred and four shall draw or cast lots among themselves to determine which of them shall hold office for the terms ending, respectively, in the years nineteen hundred and six and nineteen hundred and eight, and until their respective successors are elected or appointed and qualified. The result of such determination shall be certified to the Governor by such Associate Justices, or a majority of them, prior to the first day of January, nineteen hundred and five, and such certificate shall be entered upon the minutes of the court. In the event of the failure of said Associate Justices to make and certify such determination, the Governor shall designate the terms for which they shall respectively hold office, as above provided, and shall issue his proclamation accordingly. In the event of an increase or reduction by law of the number of Associate Justices of the Supreme Court, the Legislature shall, as nearly as may be, provide for the election, each second year, of one-third of the members of said court.

157. All judicial officers within their respective jurisdictions shall, by virtue of their offices, be conservators of the peace.

158. Vacancies in the office of any of the Justices of the Supreme Court or Judges who hold office by election, or Chancellors of this State, shall be filled by appointment by the Governor. The appointee shall hold his office until the next general election for any State officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term and until his successor is elected and qualified.

159. Whenever any new circuit or chancery division is created the Judge or Chancellor therefor shall be elected at the next general election for any State officer for a term to expire at the next general election for Circuit Judge and Chancellors; provided that if said new circuit or chancery division is created more than six months before such general election for any State officer, the Governor shall appoint some one as Judge or Chancellor, as the case may be, to hold the office until such election.

160. If in any case, civil or criminal, pending in any Circuit Court, Chancery Court, or in any court of general jurisdiction having any part of the jurisdiction of a Circuit and a Chancery Court, or either of them in this State, the presiding Judge or Chancellor shall, for any legal cause, be incompetent to try, hear or render judgment in such case, the parties, or their attorneys of record, if it be a civil case, or the solicitor or prosecuting officer, and the defendant or defendants, if it be a criminal case, may agree upon some disinterested person practicing in the court and learned in the law, to act as special judge or chancellor to sit as a court, and to hear, decide, and render

judgment in the same manner and to the same effect as such incompetent Chancellor or Judge could have rendered but for such incompetency. If the case be a civil one, and the parties or their attorneys of record do not agree; or if it be a criminal one, and the prosecuting officer and the defendant or defendants do not agree upon a special judge or chancellor, or if either party in a civil cause is not represented in court, the Register in Chancery or the clerk of such Circuit or other court in which the said cause is pending, shall appoint a special judge or chancellor, who shall preside, try and render judgment as in this section provided. The Legislature may prescribe other methods for supplying special judges in such cases.

161. The Legislature shall have power to provide for the holding of Chancery and Circuit Courts, and for the holding of courts having the jurisdiction of Circuit and Chancery Courts, or either of them, when the Chancellors or Judges thereof fail to attend regular terms.

162. No Judge of any court of record in this State shall practice law in any of the courts of this State or of the United States.

163. Registers in Chancery shall be appointed by the Chancellors of the respective divisions, and shall have been at least twelve months before their appointment, and shall be at the time of their appointment and during their continuance in office, resident citizens of the district for which they are appointed. They shall hold office for the term for which the Chancellors making such appointment was elected or appointed. Such registers shall receive as compensation for their services only such fees and commissions as may be specifically prescribed by law, which fees shall be uniform throughout the State.

164. The Clerk of the Supreme Court shall be appointed by the Judges thereof, and shall hold office for the term of six years; and the clerks of such inferior courts as may be established by law shall be selected in such manner as the Legislature may provide.

165. Clerks of the Circuit Court shall be elected by the qualified electors in each county for the term of six years, and may, when appointed by the Chancellor, also fill the office of Register of Chancery. Vacancies in such office of clerk shall be filled by the Judge of the Circuit Court for the unexpired term.

166. The clerk of the Supreme Court and Registers in Chancery may be removed from office by the Justices of the Supreme Court, and by the Chancellors, respectively, for cause, to be entered at length upon the minutes of the court.

167. A solicitor for each judicial circuit or other territorial subdivision prescribed by the Legislature, shall be elected by the qualified electors of those counties in such circuit or other territorial subdivision in which such Solicitor prosecutes criminal cases, and such Solicitor shall be learned in the law, and shall at the time of his election and during his continuance in office, reside in a county (in the circuit) in which he prosecutes criminal cases, or other territorial subdivision for which he is

elected, and his term of office shall be for four years, and he shall receive no other compensation than a salary, to be prescribed by law, which shall not be increased during the term for which he was elected; provided, that this article shall not operate to abridge the term of any Solicitor now in office; and, provided further, that the Solicitor elected in the year nineteen hundred and four shall hold office for six years, and until their successors are elected and qualified; and provided further that the Legislature may provide by law for the appointment by the Governor or the election by the qualified electors of a county for a Solicitor for any county.

168. In each precinct not lying within, or partly within, any city or incorporated town of more than fifteen hundred inhabitants, there shall be elected by the qualified electors of such precinct not exceeding two Justices of the Peace, and one Constable. Where one or more precincts lie within, or partly within, a city or incorporated town having more than fifteen hundred inhabitants, the Legislature may provide by law for the election of not more than two Justice of the Peace and one Constable, for each of such precincts, or an inferior court for such precinct or precincts, in lieu of all Justices of the Peace therein. Justices of the Peace, and the inferior courts in this section provided for, shall have jurisdiction in all civil cases where the amount in controversy does not exceed one hundred dollars, except in cases of libel, slander, assault and battery, and ejectment. The Legislature may provide by law what fees may be charged by Justice of the Peace and Constables, which fees shall be uniform throughout the State. The right of appeal from any judgment of a Justice of the Peace, or from any inferior court authorized by this section, without the prepayment of costs, and also the term of office of such Justices, and the Judges of such inferior courts, and of Notaries Public, shall be provided by law. The Governor may appoint Notaries Public without the power of a Justice of the Peace, and may, except where otherwise provided by an act of the Legislature, appoint not more than one Notary Public with all the powers and jurisdiction of a Justice of the Peace for each precinct in which the election of Justices of the Peace shall be authorized.

169. In all prosecutions for rape and assault with intent to ravish, the court may, in its discretion, exclude from the court room all persons, except such as may be necessary in the conduct of the trial.

170. The style of all processes shall be "The State of Alabama," and all prosecutions shall be carried on in the name and by the authority of the same, and shall conclude "Against the peace and dignity of the State."

171. The Legislature shall have the power to abolish any court, except the Supreme Court and Probate Courts, whenever its jurisdiction and functions have been conferred upon some other court.

172. Nothing in this article shall be so construed as to abridge the term of office of any officer now in office.

ARTICLE VII

Impeachments

173. The Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture and Industries, and Justices of the Supreme Court may be removed from office for wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith, by the Senate sitting as a court of impeachment, under oath or affirmation, on articles or charges preferred by the House of Representatives. When the Governor or Lieutenant-Governor is impeached, the Chief Justice, or if he be absent or disqualified, then one of the Associate Justices of the Supreme Court, to be selected by it, shall preside over the Senate when sitting as a court of impeachment. If at any time when the Legislature is not in session, a majority of all the members elected to the House of Representatives shall certify in writing to the Secretary of State their desires to meet to consider the impeachment of the Governor, Lieutenant-Governor, or other officer administering the office of Governor, it shall be the duty of the Secretary of State immediately to notify the Speaker of the House, who shall, within ten days after receipt of such notice, summon the members of the House, by publication in some newspaper published at the Capital, to assemble at the Capitol on a day to be fixed by the Speaker, not later than fifteen days after the receipt of the notice to him from the Secretary of State, to consider the impeachment of the Governor, Lieutenant-Governor, or other officer administering the office of Governor. If the House of Representatives prefer articles of impeachment, the Speaker of the House shall forthwith notify the Lieutenant-Governor, unless he be the officer impeached, in which event he shall notify the Secretary of State, who shall summon, in the manner herein above provided for, the members of the Senate to assemble at the Capitol on a day to be named in said summons, not later than ten days after receipt of the notice from the Speaker of the House, for the purpose of organizing as a court of impeachment. The Senate, when thus organized, shall hear and try such articles of impeachment against the Governor, Lieutenant-Governor or other officers administering the office of Governor, as may be preferred by the House of Representatives.

174. The Chancellors, Judges of the Circuit Courts, Judges of the Probate Courts, and judges of other courts from which an appeal may be taken directly to the Supreme Court, and Solicitors

and Sheriffs, may be removed from office for any of the causes specified in the preceding section or elsewhere in this Constitution, by the Supreme Court, under such regulations as may be prescribed by law. The Legislature may provide for the impeachment or removal of other officers than those named in this article.

175. The clerks of the Circuit Courts, or courts of like jurisdiction, and of Criminal Courts, Tax Collectors, Tax Assessors, County Treasurers, County Superintendents of Education, Judges of inferior courts created under authority of Section 168 of this Constitution, Coroners, Justices of the Peace, Notaries Public, Constables, and all other county officers, Mayors, Intendents, and all other officers of incorporated cities and towns in this State, may be removed from office for any of the causes specified in Section 173 of this Constitution, by the Circuit or other courts of like jurisdiction or a Criminal Court of the county in which such officers hold their office, under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases shall be secured.

176. The penalties in cases arising under the three preceding sections shall not extend beyond removal from office, and disqualifications from holding office, under the authority of this State, for the term for which the officer was elected or appointed; but the accused shall be liable for indictment and punishment as prescribed by law.

ARTICLE VIII

Suffrage and Elections

177. Every male citizen of this State who is a citizen of the United States, and every male resident of foreign birth, who, before the ratification of this Constitution, shall have legally declared his intention to become a citizen of the United States, 21 years old or upwards, not laboring under any of the disabilities named in this article, and possessing the qualifications required by it, shall be an elector, and shall be entitled to vote at any election by the people; provided, that all foreigners who have legally declared their intention to become citizens of the United States, shall, if they fail to become citizens thereof at the time they are entitled to become such, cease to have the right to vote until they become such citizens.

178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and one, and for each subsequent year; provided, that any elector who within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town or city, shall have the

right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal.

179. All elections by the people shall be by ballot, and all elections by persons in a representative capacity shall be viva voce.

180. The following male citizens of this State, who are citizens of the United States, and every male resident of foreign birth, who, before the ratification of this Constitution, shall have legally declared his intention to become a citizen of the United States, and who shall not have had an opportunity to perfect his citizenship prior to the twentieth day of December, nineteen hundred and two, twenty-one years old or upwards, who, if their place of residence shall remain unchanged, will have, at the date of the next general election the qualifications as to residence prescribed in Section 178 of this Constitution, and who are not qualified under Section 182 of this Constitution, shall, upon application, be entitled to register as electors prior to the twentieth day of December, nineteen hundred and two, namely:

First—All who have honorably served in the land or naval forces of the United States in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the war with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or,

Second—The lawful descendants of persons who honorably served in the land or naval forces of the United States in the war of the American Revolution, or in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or,

Third—All persons who are of good character and who understand the duties and obligations of citizenship under a republican form of government.

181. After the first day of January, nineteen hundred and three, the following persons, and no others, who, if their place of residence shall remain unchanged, will have, at the date of the next general election, the qualifications as to residence prescribed in Section 178 of this article, shall be qualified to register as electors; provided, they shall not be disqualified under Section 182 of this Constitution.

First—Those who can read or write any article of the Constitution of the United States in the English language, and who are physically unable to work; and those who can read or write any article of the Constitution of the United States in the English language, and who have worked or been regularly engaged in some lawful employment, business or occupation, trade or calling for the greater part of the twelve months next preceding the time they offer to register; and those who are unable to read and write, if such inability is due solely to physical disability; or,

Second—The owner in good faith in his own right, or the husband of a woman who is the owner in good faith, in her own

right, of forty acres of land situate in this State, upon which they reside; or the owner in good faith in his own right, or the husband of any woman who is the owner in good faith, in her own right, of real estate situate in this State, assessed for taxation at the value of three hundred dollars or more, or the owner in good faith, in his own right, or the husband of a woman who is the owner in good faith, in her own right, of personal property in this State assessed for taxation at three hundred dollars or more; provided, that the taxes due upon such real or personal property for the next year preceding the year in which he offers to register shall have been paid, unless the assessment shall have been legally contested and is undetermined.

182. The following persons shall be disqualified both from registering and from voting, namely:

All idiots and insane persons; those who shall by reason of conviction of crime be disqualified from voting at the time of the ratification of this Constitution; those who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude; also, any person who shall be convicted as a vagabond or tramp, or of selling or offering to sell his vote or the vote of another, or of making or offering to make false return in any election by the people or in any primary election to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector.

183. No person shall be qualified to vote, or participate in any primary election, party convention, mass meeting or other method of party action of any political party or faction, who shall not possess the qualifications prescribed in this article for an elector, or who shall be disqualified from voting under the provisions of this article.

184. No person, not registered and qualified as an elector under the provisions of this article shall vote at the general election in nineteen hundred and two, or at any subsequent State, county or municipal election, general, local or special; but the provisions of this article shall not apply to any election held prior to the general election in the year nineteen hundred and two.

185. Any elector whose right to vote shall be challenged for any legal cause before an election officer, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received, and any one who wilfully swears or affirms falsely thereto shall be guilty of perjury, and upon conviction shall be imprisoned in the penitentiary for not less than one nor more than five years.

186. The Legislature shall provide by law for the registration, after the first day of January, nineteen hundred and three, of all qualified electors. Until the first day of January, nineteen hundred and three, all electors shall be registered under and in accordance with the requirements of this section as follows:

First—Registration shall be conducted in each county by a board of three reputable and suitable persons resident in the county, who shall not hold any elective office during their term, to be appointed within sixty days after the ratification of this Constitution, by the Governor, Auditor and Commissioner of Agriculture and Industries, or by a majority of them acting as a board of appointment. If one or more of the persons appointed on such board of registration shall refuse, neglect or be unable to qualify or serve, or if a vacancy or vacancies occur in the membership of the board of registrars from any cause, the Governor, Auditor and Commissioner of Agriculture and Industries, or a majority of them, acting as a board of appointment, shall make other appointments to fill such board. Each registrar shall receive two dollars per day, to be paid by the State, and disbursed by the several Judges of Probate, for each entire day's attendance upon the sessions of the Board. Before entering upon the performance of the duties of his office, each registrar shall take the same oath required of the judicial officers of the State, which oath may be administered by any person authorized by law to administer oaths. The oath shall be in writing and subscribed by the registrar, and filed in the office of the Judge of Probate of the county.

Second—Prior to the first day of August, nineteen hundred and two, the Board of Registrars in each county shall visit each precinct at least once and oftener if necessary to make a complete registration of all persons entitled to register, and shall remain there at least one day from eight o'clock in the morning until sunset. They shall give at least twenty days' notice of the time when, and the place in the precinct where they will attend to register applicants for registration, by bills posted at five or more public places in each election precinct, and by advertisement once a week for three successive weeks in a newspaper, if there be one published in the county. Upon failure to give such notice, or to attend any appointment made by them in any precinct, they shall, after like notice, fill new appointments therein; but the time consumed by the board in completing such registration shall not exceed sixty working days in any county, except that in counties of more than nine hundred square miles in area, such board may consume seventy-five working days in completing the registration, and except that in counties in which there is any city of eight thousand or more inhabitants, the board may remain in session, in addition to the time hereinbefore prescribed, for not more than three successive weeks in each of such cities; and thereafter the board may sit from time to time in each of such cities not more than one week in each month, and except that in the county of Jefferson the board may hold an additional session of not exceeding five consecutive days' duration for each session,

in each town or city of more than one thousand and less than eight thousand inhabitants. No person shall be registered except at the county site or in the precinct in which he resides. The registrars shall issue to each person registered a certificate of registration.

Third—The Board of Registrars shall not register any person between the first day of August, nineteen hundred and two, and the Friday next preceding the day of election in November, nineteen hundred and two. On Friday and Saturday next preceding the day of election in November, nineteen hundred and two, they shall sit in the court house of each county during such days, and shall register all applicants having the qualifications prescribed by Section 180 of this Constitution, and not disqualified under Section 182, who shall have reached the age of twenty-one years after the first day of August, nineteen hundred and two, or who shall prove to the reasonable satisfaction of the board that, by reason of physical disability or unavoidable absence from the county, they had no opportunity to register prior to the first day of August, nineteen hundred and two, and they shall not on such days register any other persons. When there are two or more court houses in a county, the registrars may sit during such two days at the court house they may select, but shall give ten days' notice, by bills posted at each of the court houses, designating the court house at which they will sit.

Fourth—The Board of Registrars shall hold sessions at the court house of their respective counties during the entire third week in November, nineteen hundred and two, and for six working days next prior to the twentieth day of December, nineteen hundred and two, during which sessions they shall register all persons applying who possess the qualifications prescribed in Section 180 of this Constitution, and who shall not be disqualified under Section 182. In counties where there are two or more court houses the Board of Registrars shall divide the time equally between them. The Board of Registrars shall give notice of the time and place of such sessions by posting notices at each court house in their respective counties, and at each voting place and at three other public places in the county, and by publication once a week for two consecutive weeks in a newspaper, if one be published in the county; such notices to be posted and such publications to be commenced as early as practicable in the first week of November, nineteen hundred and two. Failure on the part of the registrars to conform to the provisions of this article as to the giving of the required notices shall not invalidate any registration made by them.

Fifth—The Board of Registrars shall have power to examine, under oath or affirmation, all applicants for registration, and to take testimony touching the qualifications of such applicants. Each member of such board is authorized to administer the oath to be taken by the applicants and witnesses, which shall be in the following form, and subscribed by the person making it, and preserved by the board, namely: "I solemnly swear (or affirm)

that in the matter of the application of——— for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God." Any person who upon such examination makes wilfully false statement in reference to any material matter touching the qualification of any applicant for registration shall be guilty of perjury, and upon conviction thereof, shall be imprisoned in the penitentiary for not less than one nor more than five years.

Sixth—The action of the majority of the Board of Registrars shall be the action of the board, and a majority of the board shall constitute a quorum for the transaction of all business. Any person to whom registration is denied shall have the right of appeal, without giving security for costs, within thirty days after such denial, by filing a petition in the Circuit Court or court of like jurisdiction held for the county in which he seeks to register, to have his qualifications as an elector determined. Upon the filing of the petition the clerk of the court shall give notice thereof to any Solicitor authorized to represent the State in said county, whose duty it shall be to appear and defend against the petition on behalf of the State. Upon such trial the court shall charge the jury only as to what constitutes the qualifications that entitle the applicant to become an elector at the time he applied for registration, and the jury shall determine the weight and effect of the evidence and return a verdict. From the judgment rendered an appeal will lie to the Supreme Court in favor of the petitioner, to be taken within thirty days. Final judgment in favor of the petitioner shall entitle him to registration as of the date of his application to the registrars.

Seventh—The Secretary of State shall, at the expense of the State, have prepared and shall furnish to the registrars and judges of probate of the several counties a sufficient number of registration books and of blank forms of the oath, certificates of registration and notices required to be given by the registrars. The cost of the publication in newspapers of the notices required to be given by the registrars shall be paid by the State, the bills therefor to be rendered to the Secretary of State and approved by him.

Eighth—Any person who registers for another, or who registers more than once, and any registrar who enters the name of any person on the list of registered voters, without such person having made application in person under oath on a form provided for that purpose, or who knowingly registers any person more than once, or who knowingly enters a name upon the registration list as the name of a voter, without any one of that name applying to register, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

187. The Board of Registrars in each county shall on or before the first day of February, nineteen hundred and three, or as soon thereafter as practicable, file in the office of the Judge of Probate in the county, a complete list sworn to by them of all persons

registered in their county, showing the age of such persons so registered, with the precinct or ward in which each of such persons resides set opposite the name of such persons, and shall also file a like list in the office of the Secretary of State. The Judge of Probate shall, on or before the first day of March, nineteen hundred and three, or as soon thereafter as practicable, cause to be made from such list in duplicate, in the books furnished by the Secretary of State, an alphabetical list by precincts of the persons shown by the list of registrars to have been registered in the county, and shall file one of such alphabetical lists in the office of the Secretary of State; for which services by the Judges of Probate compensation shall be provided by the Legislature. The Judges of Probate shall keep both the original list filed by the registrars and the alphabetical list made therefrom as records in the office of the Judge of Probate of the county. Unless he shall become disqualified under the provisions of this article, any one who shall register prior to the first day of January, nineteen hundred and three, shall remain an elector during life, and shall not be required to register again unless he changes his residence, in which event he may register again on production of his certificate. The certificate of the registrars or of the Judge of Probate or of the Secretary of State shall be sufficient evidence to establish the fact of such life registration. Such certificate shall be issued free of charge to the elector, and the Legislature shall provide by law for the renewal of such certificate when lost, mutilated or destroyed.

188. From and after the first day of January, nineteen hundred and three, any applicant for registration may be required to state under oath, to be administered by the registrar or by any person authorized by law to administer oaths, where he lived during the five years next preceding the time at which he applies to register, and the name or names by which he was known during that period, and the name of his employer or employers, if any, during such period. Any applicant for registration who refuses to state such facts, or any of them, shall not be entitled to register, and any person so offering to register, who wilfully makes a false statement in regard to such matters, or any of them, shall be guilty of perjury, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

189. In the trial of any contested election, and in proceedings to investigate any election, and in criminal prosecutions for violations of the election laws, no person other than a defendant in such criminal prosecutions shall be allowed to withhold his testimony on the ground that he may criminate himself or subject himself to public infamy; but such person shall not be prosecuted for any offense arising out of the transactions concerning which he testified, but may be prosecuted for perjury committed on such examination.

190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections, and all such laws shall be uniform throughout the State; and shall provide by law

for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article, for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list.

191. It shall be the duty of the Legislature to pass adequate laws giving protection against the evils arising from the use of intoxicating liquors at all elections.

192. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, or while going to or returning therefrom.

193. Returns of elections for members of the Legislature and for all civil officers who are to be commissioned by the Governor, except the Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, shall be made to the Secretary of State.

194. The poll tax mentioned in this article shall be one dollar and fifty cents upon each male inhabitant of the State, over the age of twenty-one years, and under the age of forty-five years, who would not be exempt by law; but the Legislature is authorized to increase the maximum age fixed in this section to not more than sixty years. Such poll tax shall become due and payable on the first day of October in each year, and become delinquent on the first day of the next succeeding February, but no legal process, nor any fee or commission shall be allowed for the collection thereof. The Tax Collector shall make returns of poll tax collections separate from other collections.

195. Any person who shall pay the poll tax of another, or advance him money for that purpose in order to influence his vote, shall be guilty of bribery, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

196. If any section or subdivision of this article shall, for any reason, be or be held by any court of competent jurisdiction and of final resort, to be invalid, inoperative or void, the residue of this article shall not be thereby invalidated or affected.

ARTICLE IX

Representation

197. The whole number of Senators shall be not less than one-fourth or more than one-third of the whole number of Representatives.

198. The House of Representatives shall consist of not more than one hundred and five members, unless new counties shall be created, in which even each new county shall be entitled to one Representative. The members of the House of Representatives shall be apportioned by the Legislature among the several counties of the State, according to the number of inhabitants in them, respectively, as ascertained by the decennial census of the United States, which apportionment when made shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken.

199. It shall be the duty of the Legislature at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of Representatives and apportion them among the several counties of the State, according to the number of inhabitants in them, respectively; provided, that each county shall be entitled to at least one Representative.

200. It shall be the duty of the Legislature at its first session after taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of Senators, and to divide the State into as many Senatorial districts as there are Senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one Senator, and no more; and such districts, when formed, shall not be changed until the next apportioning session of the Legislature, after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the Legislature may be attached to Senatorial districts. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other.

201. Should any decennial census of the United States not be taken, or if when taken the same, as to this State be not full and satisfactory, the Legislature shall have power at its first session after the time shall have elapsed for the taking of said census, to provide for an enumeration of all the inhabitants of this State, upon which it shall be the duty of the Legislature to make the apportionment of Representatives and Senators as provided for in this article.

202. Until the Legislature shall make an apportionment of Representatives among the several counties, as provided in the preceding section, the counties of Autauga, Baldwin, Bibb, Blount, Cherokee, Chilton, Choctaw, Clay, Cleburne, Coffee, Colbert,

Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, DeKalb, Escambia, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Marshall, Monroe, Pickens, Randolph, St. Clair, Shelby, Washington, and Winston, shall each have one Representative; the counties of Barbour, Bullock, Butler, Calhoun, Chambers, Clarke, Elmore, Etowah, Hale, Henry, Jackson, Lauderdale, Lee, Lowndes, Madison, Marengo, Morgan, Perry, Pike, Russell, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, and Wilcox, shall each have two Representatives; the counties of Dallas and Mobile shall each have three Representatives; the county of Montgomery shall have four Representatives; and the county of Jefferson shall have seven Representatives.

203. Until the Legislature shall divide the State into Senatorial districts, as herein provided, the Senatorial districts shall be as follows:

First district, Lauderdale and Limestone; Second district, Lawrence and Morgan; Third district, Blount, Cullman and Winston; Fourth district, Madison; Fifth district, Jackson and Marshall; Sixth district, Etowah and St. Clair; Seventh district, Calhoun; Eighth district, Talladega; Ninth district, Chambers and Randolph; Tenth district, Tallapoosa and Elmore; Eleventh district, Tuscaloosa; Twelfth district, Fayette, Lamar and Walker; Thirteenth district, Jefferson; Fourteenth district, Pickens and Sumter; Fifteenth district, Autauga, Chilton and Shelby; Sixteenth district, Lowndes; Seventeenth district, Butler, Conecuh and Covington; Eighteenth district, Bibb and Perry; Nineteenth district, Choctaw, Clarke and Washington; Twentieth district, Marengo; Twenty-first district, Baldwin, Escambia and Monroe; Twenty-second district, Wilcox; Twenty-third district, Dale and Geneva; Twenty-fourth district, Barbour; Twenty-fifth district, Coffee, Crenshaw and Pike; Twenty-sixth district, Bullock and Macon; Twenty-seventh district, Lee and Russell; Twenty-eighth district, Montgomery; Twenty-ninth district, Cherokee and DeKalb; Thirtieth district, Dallas; Thirty-first district, Colbert, Franklin and Marion; Thirty-second district, Greene and Hale; Thirty-third district, Mobile; Thirty-fourth district, Cleburne, Clay and Coosa; Thirty-fifth district, Henry.

ARTICLE X

Exemptions

204. The personal property of any resident of this State to the value of one thousand dollars, to be selected by such resident, shall be exempt from sale on execution or other process of any court, issued for the collection of any debt contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution.

205. Every homestead, not exceeding eighty acres, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any city, town or village, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and appurtenances thereon owned and occupied by

any resident of this State, and not exceeding the value of two thousand dollars, shall be exempt from sale on execution or any other process from a court; for any debt contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage or other alienation of said homestead by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife to the same.

206. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debts contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution, in all cases, during the minority of the children.

207. The provisions of Sections 204 and 205 of this Constitution shall not be so construed as to prevent a laborers' lien for work done and performed for the person claiming such exemption, or a mechanics' lien for work done on the premises.

208. If the owner of a homestead die, leaving a widow, but no children, such homestead shall be exempt, and the rents and profits thereof shall inure to her benefit.

209. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may afterwards be entitled by gift, grant, inheritance or devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised or bequeathed by her, the same as if she were a feme sole.

210. The right of exemption hereinbefore secured may be waived by an instrument in writing, and when such waiver relates to realty, the instrument must be signed by both the husband and the wife, and attested by one witness.

ARTICLE XI

Taxation

211. All taxes levied on property in this State shall be assessed in exact proportion to the value of such property, but no tax shall be assessed upon any debt for rent or hire of real or personal property, while owned by the landlord or hirer during the current year of such rental or hire, if such real or personal property be assessed at its full value.

212. The power to levy taxes shall not be delegated to individuals or private corporations or associations.

213. After the ratification of this Constitution, no new debt shall be created against, or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each House of the Legislature, and the vote shall be taken by yeas and nays and entered on the Journals; and any act creating or incurring any new debt against this State, except as herein provided for,

shall be absolutely void; provided, the Governor may be authorized to negotiate temporary loans, never to exceed three hundred thousand dollars, to meet the deficiencies in the treasury, and until the same is paid no new loan shall be negotiated; provided further, that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State.

214. The Legislature shall not have the power to levy in any one year a greater rate of taxation than sixty-five one-hundredths of one per centum of the value of the taxable property within this State.

215. No county in this State shall be authorized to levy a greater rate of taxation in any one year on the value of the taxable property therein than one-half of one per centum; provided, that to pay debts existing on the sixth day of December, eighteen hundred and seventy-five, an additional rate of one-fourth of one per centum may be levied and collected which shall be appropriated exclusively to the payment of such debts and the interest thereon; provided further, that to pay any debt or liability now existing against any county, incurred for the erection, construction, or maintenance of the necessary public buildings or bridges, or that may hereafter be created for the erection of necessary public buildings, bridges or roads, any county may levy and collect such special taxes, not to exceed one-fourth of one per centum, as may have been or may hereafter be authorized by law, which taxes so levied and collected shall be applied exclusively to the purposes for which the same were so levied and collected.

216. No city, town, village or other municipal corporation, other than as provided in this article, shall levy or collect a higher rate of taxation in any one year on the property situated therein than one-half of one per centum of the value of such property as assessed for State taxation during the preceding year; provided, that for the purpose of paying debts existing on the sixth day of December, eighteen hundred and seventy-five, and the interest thereon, a tax of one per centum may be levied and collected, to be applied exclusively to the payment of such indebtedness; and provided further, that this section shall not apply to the city of Mobile, which city may from and after the ratification of this Constitution, levy a tax not to exceed the rate of three-fourths of one per centum to pay the expenses of the city government, and may also levy a tax not to exceed three-fourths of one per centum to pay the debt existing on the sixth day of December, eighteen hundred and seventy-five, with interest thereon, or any renewal of such debt; and, provided further, that this section shall not apply to the cities of Birmingham, Huntsville and Bessemer, and the town of Andalusia, which cities and town may levy and collect a tax not to exceed one-half of one per centum in addition to the tax of one-half of one per centum as heretofore allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on bonds of said cities of Birmingham, Huntsville and Bessemer and town of Andalusia,

respectively, heretofore issued in pursuance of law, or now authorized by law to be issued, and for a sinking fund to pay off said bonds at the maturity thereof; and provided further, that this section shall not apply to the city of Montgomery, which city shall have the right to levy and collect a tax of not exceeding one-half of one per centum per annum upon the value of the taxable-property therein, as fixed for State taxation, for general purposes, and an additional tax of not exceeding three-fourths of one per centum per annum upon the value of the property therein, as fixed for State taxation, to be devoted exclusively to the payment of its public debt, interest thereon, and renewals thereof, and to the maintenance of its public schools, and public conveniences; and provided further, that this section shall not apply to Troy, Attalla, Gadsden, Woodlawn, Brewton, Pratt City, Ensley, Wylam, and Avondale, which cities and towns may from and after the ratification of this Constitution, levy and collect an additional tax of not exceeding one-half of one per centum; and provided further, that this section shall not apply to the cities of Decatur, New Decatur and Cullman, which cities may from and after the ratification of this Constitution, levy and collect an additional tax of not exceeding three-tenths of one per centum per annum; such special tax of said city of Decatur to be applied exclusively for the public schools, public school buildings, and public improvements; and such special tax of New Decatur and Cullman to be applied exclusively for educational purposes, and to be expended under their respective boards of Public School Trustees; but this additional tax shall not be levied by Troy, Attalla, Gadsden, Woodlawn, Brewton, Pratt City, Ensley, Wylam, Avondale, Decatur, New Decatur, or Cullman unless authorized by a majority vote of the qualified electors voting at a special election held for the purpose of ascertaining whether or not said tax shall be levied; and provided further, that the purposes for which such special tax is sought to be levied shall be stated in such election call, and, if authorized, the revenue derived from such special tax shall be used for no other purpose than that stated; and provided further, that the additional tax authorized to be levied by the city of Troy, when so levied and collected, shall be used exclusively in the payment of the bonds and interest coupons thereon, hereafter issued in the adjustment of the present bonded indebtedness of said city; and provided further, that the additional tax authorized to be levied and collected by the city of Attalla shall, when so levied and collected, be used exclusively in the payment of bonds to the amount of not exceeding twenty-five thousand dollars, and the interest coupons thereon, hereafter to be issued in the adjustment of the present indebtedness of said city; provided further, that the governing boards of said cities, which are authorized to levy an additional tax after the holding of an election as aforesaid, are hereby authorized to provide by ordinance the necessary machinery for the holding of said election and declaring the result thereof.

217. The property of private corporations, associations and indi-

viduals of this State shall forever be taxed at the same rate; provided, this section shall not apply to institutions devoted exclusively to religious, educational or charitable purposes.

218. The Legislature shall not have the power to require counties or other municipal corporations to pay any charges which are now payable out of the State treasury.

219. The Legislature may levy a tax of not more than two and one-half per centum of the value of all estates, real and personal, money, public and private securities of every kind in this State, passing from any person who may die seized and possessed thereof, or of any part of such estate, money or securities, or interest therein, transferred by the intestate laws of this State, or by will, deed, grant, bargain, sale or gift, made or intended to take effect in possession after death of the grantor, deviser, or donor, to any person or persons, bodies politic or corporate, in trust or otherwise, other than to or for the use of the father, mother, husband, wife, brothers, sisters, children or lineal descendants of the grantor, deviser, donor or intestate.

ARTICLE XII

CORPORATIONS

Municipal Corporations

220. No person, firm, association or corporation shall be authorized or permitted to use the streets, avenues, alleys or public places of any city, town or village for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of such city, town or village.

221. The Legislature shall not enact any law which will permit any person, firm, corporation or association to pay a privilege, license or other tax to the State of Alabama, and relieve him or it from the payment of all other privilege and license taxes in the State.

222. The Legislature, after the ratification of this Constitution, shall have authority to pass general laws authorizing the counties, cities, towns, villages, districts or other political subdivisions of counties to issue bonds, but no bonds shall be issued under authority of a general law unless such issue of bonds be first authorized by a majority vote by ballot of the qualified voters of such county, city, town, village, district, or other political subdivision of a county, voting upon such proposition. The ballot used at such election shall contain the words "For.....bond issue," and "Against.....bond issue," (the character of the bond to be shown in the blank space), and the voter shall indicate his choice by placing a cross mark before or after the one or the other. This section shall not apply to the renewal, refunding or reissue of bonds lawfully issued, nor to the issuance of bonds in cases where the same have been authorized by laws enacted prior to the ratification of this Constitution, nor shall this section apply to obligations incurred or bonds to be issued to procure means to

pay for street and sidewalk improvements or sanitary or storm water sewers, the cost of which is to be assessed, in whole or in part, against the property abutting said improvements or drained by such sanitary or storm water sewers.

223. No city, town or other municipality shall make any assessment for the cost of sidewalks or street paving, or for the cost of the construction of any sewer against property abutting on such street or sidewalk so paved, or drained by such sewers, in excess of the increased value of such property by reason of the special benefits derived from such improvements.

224. No county shall become indebted in an amount including present indebtedness, greater than three and one-half per centum of the assessed value of the property therein; provided, this limitation shall not affect any existing indebtedness in excess of such three and one-half per centum, which has already been created or authorized by existing law to be created; provided, that any county which has already incurred a debt exceeding three and one-half per centum of the assessed value of the property therein, shall be authorized to incur an indebtedness of one and a half per centum of the assessed value of such property in addition to the debt already existing. Nothing herein contained shall prevent any county from issuing bonds, or other obligations, to fund or refund any indebtedness now existing or authorized by existing laws to be created.

225. No city, town or other municipal corporation having a population of less than six thousand, except as hereafter provided, shall become indebted in an amount, including present indebtedness, exceeding five per centum of the assessed value of the property therein, except for the construction or purchase of water works, gas or electric lighting plants, or sewerage, or for the improvement of streets, for which purposes an additional indebtedness not exceeding three per centum may be created; provided this limitation shall not affect any debt now authorized by law to be created, nor any temporary loans to be paid within one year, made in anticipation of the collection of taxes, not exceeding one-fourth of the annual revenues of such city or town. All towns and cities having a population of six thousand or more, also Gadsden, Ensley, Decatur, and New Decatur, are hereby authorized to become indebted in an amount including present indebtedness, not exceeding seven per centum of the assessed valuation of the property therein, provided that there shall not be included in the limitation of the indebtedness, to-wit: Temporary loans, to be paid within one year, made in anticipation of the collection of taxes, and not exceeding one-fourth of the general revenues, bonds or other obligations already issued, or which may hereafter be issued for the purpose of acquiring, providing or constructing school houses, water works and sewers; and obligations incurred and bonds issued for street or sidewalk improvements, where the cost of the same, in whole or in part, is to be assessed against the property abutting said improvements; provided, that the proceeds of all obligations issued as herein

provided, in excess of said seven per centum shall not be used for any purpose other than that for which said obligations were issued. Nothing contained in this article shall prevent the funding or refunding of existing indebtedness. This section shall not apply to the cities of Sheffield and Tuscumbia.

226. No city, town or village, whose present indebtedness exceeds the limitation imposed by this Constitution, shall be allowed to become indebted in any further amount, except as otherwise provided in this Constitution, until such indebtedness shall be reduced within such limit; provided, however, that nothing herein contained shall prevent any municipality, except the city of Gadsden, from issuing bonds already authorized by law; provided further, that this section shall not apply to the cities of Sheffield and Tuscumbia.

227. Any person, firm, association or corporation, who may construct or operate any public utility along or across the public streets of any city, town or village, under any privilege or franchise permitting such construction or operation, shall be liable to abutting proprietors for the actual damage done to the abutting property on account of such construction or operation.

228. No city or town having a population of more than six thousand shall have authority to grant to any person, firm, corporation or association the right to use its streets, avenues, alleys, or public places for the construction or operation of water works, gas works, telephone or telegraph line, electric light or power plants, steam or other heating plants, street railroads, or any other public utility, except railroads other than street railroads for a longer period than thirty years.

229. The Legislature shall pass no special act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations shall not be required to pay such a tax. The charter of any corporation shall be subject to amendment, alteration or repeal under general laws.

230. All existing charters, under which a bona fide organization shall not have taken place and business commenced in good faith within twelve months from the time of the ratification of this Constitution, shall thereafter have no validity.

231. The Legislature shall not remit the forfeiture of the charter of any corporation now existing or alter or amend the same, nor pass any general or special law for the benefit of such corporation, other than in execution of a trust created by law or by contract, except upon condition that such corporation shall

thereafter hold its charter subject to the provisions of this Constitution.

232. No foreign corporation shall do any business in this State without having at least one known place of business and an authorized agent or agents therein, and without filing with the Secretary of State a certified copy of its articles of incorporation or association. Such corporation may be sued in any county where it does business, by service of process upon an agent anywhere in the State. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by such corporation, but such franchise tax shall be based on the actual amount of capital employed in this State. Strictly benevolent, educational or religious corporations shall not be required to pay such a tax.

233. No corporation shall engage in any business other than that expressly authorized in its charter or articles of incorporation.

234. No corporation shall issue stock or bonds except for money, labor done, or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general laws, nor without the consent of the persons holding the larger amount in value of stock, first obtained at a meeting to be held after thirty days' notice, given in pursuance of law.

235. Municipal and other corporations and individuals invested with the privilege of taking property for public use, shall make just compensation, to be ascertained as may be provided by law, for the property taken, injured or destroyed by the construction or enlargement of its works, highways or improvements, which compensation shall be paid before such taking, injury or destruction. The Legislature is hereby prohibited from denying the right of appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise, but such appeal shall not deprive those who have obtained the judgment of condemnation from a right of entry, provided the amount of damages assessed shall have been paid in the court in money, and a bond shall have been given in not less than double the amount of the damages assessed, with good and sufficient sureties, to pay such damages as the property owner may sustain; and the amount of damages in all cases of appeals shall on the demand of either party, be determined by a jury according to law.

236. Dues from private corporations shall be secured by such means as may be prescribed by law; but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her.

237. No corporation shall issue preferred stock without the consent of the owners of two-thirds of the stock of said corporation.

238. The Legislature shall have the power to alter, amend or revoke any charter of incorporation now existing and revocable at the ratification of this Constitution, or any that may be hereafter created, whenever, in its opinion, such charter may be inju-

rious to the citizens of this State, in such manner, however, that no injustice shall be done to the stockholders.

239. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this State, and connect the same with other lines; and the Legislature shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph or telephone company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph or telephone company owning a complete line, or acquire, by purchase or otherwise, any other competing line of telegraph or telephone.

240. All corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

241. The term "corporation," as used in this article, shall be construed to include all joint stock companies, and all associations having any of the powers or privileges of corporations, not possessed by individuals or partnerships.

Railroads and Canals

242. All railroads and canals not constructed and used exclusively for private purposes, shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railway between any points in this State, and connect at the State line, with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and each shall receive and transport the freight, passengers and cars, loaded or empty, of the others, without delay or discrimination.

243. The power and authority of regulating railroad freight and passenger tariffs, the locating and building of passenger and freight depots, correcting abuses, preventing unjust discrimination and extortion, and requiring reasonable and just fares of freight and passenger tariffs, are hereby conferred upon the Legislature, whose duty it shall be to pass laws from time to time regulating freight and passenger tariffs, to prohibit unjust discrimination on the various railroads, canals and rivers of the State, and to prohibit the charging of other than just and reasonable rates and enforce the same by adequate penalties.

244. No railroad or other transportation company or corporation shall grant free passes or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature or to any officer exercising judicial functions under the laws of this State; and any such member or officer receiving such a pass or ticket for himself, or procuring the same for another, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding five hundred dollars, and at the discretion of the court trying the case, in addition to such fine, may imprison for a term not exceeding six months, and upon conviction, shall be subject to impeachment and removal from office. The courts having juris-

diction shall give this law specially in charge to the Grand Juries, and when the evidence is sufficient to authorize an indictment, the Grand Jury must present a true bill. The Circuit Court, or any court of like jurisdiction, in any county into or through which such member or officer is transported by the use of such prohibited pass or ticket, shall have jurisdiction of the case, provided only one prosecution shall be had for the same offense; and provided further, that the trial and judgment for one offense shall not bar a prosecution for another offense when the same pass or ticket is used; and provided further, that nothing herein shall prevent a member of the Legislature who is a bona fide employee of a railroad or other transportation company or corporation at the time of his election, from accepting or procuring for himself or another, not a member of the Legislature, or officer exercising judicial functions, a free pass over the railroads or other transportation company or corporation by which he is employed.

245. No railroad company shall give or pay any rebate, or a bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights or passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

246. No railroad, canal or transportation company in existence at the time of the ratification of this Constitution, shall have the benefit of any future legislation by general or special laws other than in execution of a trust created by law or by contract, except on the condition of complete acceptance of all the provisions of this article.

ARTICLE XIII

Banks and Banking

247. The Legislature shall not have the power to establish or incorporate any bank or banking company or moneyed institution for the purpose of issuing bills of credit or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

248. No bank shall be established otherwise than under a general banking law, nor other than upon a specie basis; provided, that any bank may be established with authority to issue bills to circulate as money in an amount equal to the face value of bonds of the United States, or of this State, convertible into specie at their face value, which shall, before such bank is authorized to issue bills for circulation, be deposited with the State Treasurer or other depository prescribed by law, in an amount equal to the aggregate of such proposed issue, with power in such treasurer or depository to dispose of any or all of such bonds for a sufficient amount of specie to redeem the circulating notes of such bank at any time and without delay, should such bank suspend specie payment or fail to redeem its notes on demand.

249. All bills or notes issued as money shall be at all times redeemable in gold or silver, and no law shall be passed sanc-

tioning, directly or indirectly, the suspension by any bank or banking company of specie payment.

250. Holders of bank notes, and depositors who have not stipulated for interest, shall, for such notes and deposits, be entitled in case of insolvency, to preference of payment over all other creditors; provided, this section shall apply to all banks whether incorporated or not.

251. Every bank or banking company shall be required to cease all banking operations within twenty years from the time of its organization, unless the time be extended by law, and promptly thereafter close its business; but after it has closed its business it shall have corporate capacity to use and shall be liable to suits until its affairs and liabilities are fully closed.

252. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals for lending money.

253. Neither the State nor any political subdivision thereof, shall be a stockholder in any bank, nor shall the credit of the State or any political subdivision thereof be given or lent to any banking company, association or corporation.

254. The Legislature shall by appropriate laws provide for the examination, by some public officer, of all banks and banking institutions and trust companies engaged in banking business in this State; and each of such banks and banking companies or institutions shall, through its president, or such other officer as the Legislature may designate, make a report under oath of its resources and liabilities at least twice a year.

255. The provisions of this article shall apply to all banks except National banks, and to all trust companies and individuals doing a banking business, whether incorporated or not.

ARTICLE XIV

Education

256. The Legislature shall establish, organize and maintain a liberal system of public school throughout the State for the benefit of the children thereof between the ages of seven and twenty-one years. The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or township in the counties as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race.

257. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this State or given by the United States for educational purposes, shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations.

258. All lands or other property given by individuals, or appropriated by the State for educational purposes, and all estates of deceased persons who die without leaving a will or heir shall be faithfully applied to the maintenance of the public schools.

259. All poll taxes collected in this State shall be applied to the support of the public schools in the respective counties where collected.

260. The income arising from the Sixteenth Section trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in Sections 257 and 258 of this Constitution, together with a special annual tax of thirty cents on each one hundred dollars of taxable property in this State, which the Legislature shall levy, shall be applied to the support and maintenance of the public schools, and it shall be the duty of the Legislature to increase the public school fund from time to time as the necessity therefor and the condition of the treasury and the resources of the State may justify; provided, that nothing herein contained shall be so construed as to authorize the Legislature to levy in any one year a greater rate of State taxation of all purposes including schools than sixty-five cents on each one hundred dollars worth of taxable property; and provided further, that nothing herein contained shall prevent the Legislature from first providing for the payment of the bonded indebtedness of the State and interest thereon out of all the revenues of the State.

261. Not more than four per cent. of all moneys raised or which may hereafter be appropriated for the support of public schools, shall be used or expended otherwise than for the payment of teachers employed in such schools; provided, that the Legislature may, by a vote of two-thirds of each House, suspend the operation of this section.

262. The supervision of the public schools shall be vested in a Superintendent of Education, whose powers, duties and compensation shall be fixed by law.

263. No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school.

264. The State University shall be under the management and control of a board of trustees, which shall consist of two members from the Congressional district in which the University is located, one from each of the other Congressional districts in the State, the Superintendent of Education, and the Governor, who shall be ex-officio president of the board. The members of the Board of Trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be elected and confirmed as hereinafter required. Successors to those trustees whose terms expire in nineteen hundred and two shall hold office until nineteen hundred and seven; successors to those trustees whose terms expire in nineteen hundred and four shall hold office until nineteen hundred and eleven; successors to those trustees whose terms expire in nineteen hundred and six

shall hold office until nineteen hundred and fifteen; and thereafter their successors shall hold office for a term of twelve years. When the term of any member of such board shall expire, the remaining members of the board shall, by secret ballot, elect his successor; provided, that any trustee so elected shall hold office from the date of his election until his confirmation or rejection by the Senate, and, if confirmed, until the expiration of the term for which he was elected, and until his successor is elected. At every meeting of the Legislature the Superintendent of Education shall certify to the Senate the names of all who have been so elected since the last session of the Legislature, and the Senate shall confirm or reject them, as it shall determine is for the best interest of the University. If it reject the name of any members, it shall thereupon elect trustees in the stead of those rejected. In case of a vacancy on said board by death or resignation of a member, or from any cause other than the expiration of his term of office, the board shall elect his successor, who shall hold office until the next session of the Legislature. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

265. After the ratification of the Constitution there shall be paid out of the treasury of this State at the time and in the manner provided by law, the sum of not less than thirty-six thousand dollars per annum as interest on the funds of the University of Alabama, heretofore covered into the treasury for the maintenance and support of said institution; provided, that the Legislature shall have the power at any time they deem proper for the best interest of said University to abolish the military system at said institution or reduce the said system to a department of instruction, and that such action on the part of the Legislature shall not cause any diminution of the amount of the annual interest payable out of the treasury for the support and maintenance of said University.

266. The Alabama Polytechnic Institute, formerly called the Agricultural and Mechanical College, shall be under the management and control of a Board of Trustees, which shall consist of two members from the Congressional district in which the institute is located, and one from each of the other Congressional districts in the State, the State Superintendent of Education and the Governor shall be ex-officio president of the board. The trustees shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office for a term of twelve years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadriennially. Vacancies occurring in the office of trustees from death or resignation, and the vacancies regularly occurring in the year nineteen hundred and five, shall be filled by the Governor and such appointee shall hold office until the next meeting of the Legislature. Successors to those trustees whose terms expire in nineteen hundred and three shall hold office until nineteen hundred and eleven; successors to those whose terms expire in nineteen hundred and

five shall hold office until nineteen hundred and fifteen; and successors to those whose terms expire in nineteen hundred and seven shall hold office until nineteen hundred and nineteen. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

267. The Legislature shall not have power to change the location of the State University, or the Alabama Polytechnic Institute, or the Alabama school for the Deaf and Blind, or the Alabama Girls' Industrial School, as now established by law, except upon a vote of two-thirds of the Legislature taken by yeas and nays and entered upon the Journals.

268. The Legislature shall provide for taking a school census by townships and districts throughout the State not oftener than once in two years, and shall provide for the punishment of all persons or officers making false or fraudulent enumerations and returns; provided, the State Superintendent of Education may order and supervise the taking of a new census in any township, district or county, whenever he may have reasonable cause to believe that false or fraudulent returns have been made.

269. The several counties in this State shall have power to levy and collect a special tax not exceeding ten cents on each one hundred dollars of taxable property in such counties, for the support of public schools; provided, that the rate of such tax, the time it is continued, and the purpose thereof, shall have been first submitted to a vote of the qualified electors of the county, and voted for by three-fifths of those voting at such election; but the rate of such special tax shall not increase the rate of taxation, State and county combined, in any one year, to more than one dollar and twenty-five cents on each one hundred dollars of taxable property; excluding, however, all special county taxes for public buildings, roads, bridges, and the payment of debts existing at the ratification of the Constitution of eighteen hundred and seventy-five. The funds arising from such special school tax shall be so apportioned and paid through the proper school officials to the several schools in the townships and districts in the county that the school terms of the respective schools shall be extended by such supplement as nearly the same length of time as practicable; provided, that this section shall not apply to the cities of Decatur, New Decatur and Cullman.

270. The provisions of this article and of any act of the Legislature passed in pursuance thereof to establish, organize and maintain a system of public schools throughout the State, shall apply to Mobile county only so far as to authorize and require the authorities designated by law to draw the portions of the funds to which said county shall be entitled for school purposes and to make reports to the Superintendent of Education as may be prescribed by law; and all special incomes and powers of taxation as now authorized by law for the benefit of public schools in said county shall remain undisturbed until otherwise provided by the Legislature; provided, that separate schools for each race shall always be maintained by said school authorities.

ARTICLE XV

Militia

271. The Legislature shall have power to declare who shall constitute the militia of the State, and to provide for organizing, arming and disciplining the same; and the Legislature may provide for the organization of a State and Naval Militia.

272. The Legislature, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

273. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, they may be appointed by the Governor.

274. Volunteer organizations of infantry, cavalry, and artillery and naval militia may be formed in such manner and under such restrictions and with such privileges as may be provided by law.

275. The militia and volunteer forces shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at muster, parades and elections and in going to and returning from the same.

276. The Governor shall, with the advice and consent of the Senate, appoint all general officers, whose terms of office shall be four years. The Governor, the generals and regimental and battalion commanders shall appoint their own staffs, as may be provided by law.

277. The Legislature shall provide for the safe keeping of the arms, ammunition and accoutrements, and military records, banners and relics of the State.

278. The officers and men of the militia and volunteer forces shall not be entitled to or receive any pay, rations or emoluments when not in active service.

ARTICLE XVI

Oath of Office

279. All members of the Legislature, and all officers, executive and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation:

"I,, solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God."

The oath may be administered by the presiding officer of either House of the Legislature, or by any officer authorized by law to administer an oath.

ARTICLE XVII

Miscellaneous Provisions

280. No person holding an office of profit under the United States, except postmasters, whose annual salaries do not exceed two hundred dollars, shall during his continuance in such office hold any office of profit under this State; nor, unless otherwise provided in this Constitution, shall any person hold two offices of profit at one and the same time under this State, except Justices of the Peace, Constables, Notaries Public, and Commissioners of Deeds.

281. The salary, fees or compensation of any officer holding any civil office of profit under this State or any county or municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed.

282. It is made the duty of the Legislature to enact all laws necessary to give effect to the provisions of this Constitution.

283. The act of the General Assembly of Alabama entitled "An Act to consolidate and adjust the bonded debt of the State of Alabama," approved February 18th, 1895, and an act amendatory thereof entitled "An Act to amend Section 6 of an act to consolidate and adjust the bonded debt of the State of Alabama, approved February 18th, 1895," which said last named act was approved February 16th, 1899, are hereby made valid, and both of said acts shall have the full force and effect of law, except insofar as they authorize the redemption before maturity of the bonds authorized by said acts to be issued. The Governor is authorized and empowered to act under the same and to carry out all the provisions thereof; provided, that the bonds authorized to be issued by said acts and issued thereunder may be made payable at any time, not exceeding fifty years from the date thereof, and shall not be redeemable until their maturity.

ARTICLE XVIII

Mode of Amending the Constitution

284. Amendments may be proposed to this Constitution by the Legislature in the manner following: The proposed amendments shall be read in the House in which they originate on three several days, and if upon the third reading three-fifths of all the members elected to that House shall vote in favor thereof, the proposed amendments shall be sent to the other House, in which they shall likewise be read on three days, and if upon the third reading three-fifths of all the members elected to that House shall vote in favor of the proposed amendments, the Legislature shall order an election by the qualified electors of the State upon such proposed amendments, to be held either at the general election next succeeding the session of the Legislature at which the amendments are proposed or upon another day appointed by the Legislature not less than three months after the final adjournment of the session of the Legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be

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given by proclamation of the Governor, which shall be published in every county in such manner as the Legislature shall direct, for at least eight successive weeks next preceeding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the State upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated, and returns thereof be made to the Secretary of State, and counted, in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the Governor. Representation in the Legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendment.

285. Upon the ballots used at all elections provided for in Section 284 of this Constitution the substance or subject matter of each proposed amendment shall be so printed that the nature thereof shall be clearly indicated. Following each proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark made by him or under his direction, opposite the word expressing his desire, and no amendment shall be adopted unless it receives the affirmative vote of a majority of all the qualified electors who vote at such election.

286. No convention shall hereafter be held for the purpose of altering or amending the Constitution of this State, unless after the Legislature by a vote of a majority of all the members elected to each House has passed an act or resolution calling a Convention for such purpose, the question of Convention or No Convention shall be first submitted to a vote of all the qualified electors of the State, and approved by a majority of those voting at such election. No act or resolution of the Legislature calling a convention for the purpose of altering or amending the Constitution of this State, shall be repealed except upon the vote of a majority of all the members elected to each House at the same session at which such act or resolution was passed; provided, nothing herein contained shall be construed as restricting the jurisdiction and power of the convention when duly assembled in pursuance of this section, to establish such ordinances and to do and perform such things as to the convention may seem necessary or proper for the purpose of altering, revising or amending the existing Constitution.

287. All votes of the Legislature upon proposed amendments to

this Constitution, and upon bills or resolutions calling a Convention for the purpose of altering or amending the Constitution of this State, shall be taken by yeas and nays and entered on the Journals. No act or resolution of the Legislature passed in accordance with the provisions of this article, proposing amendments to this Constitution, or calling a convention for the purpose of altering or amending the Constitution of this State, shall be submitted for the approval of the Governor, but shall be valid without his approval.

Schedule

In order that no injury or inconvenience may arise from the alterations and amendments made by this Constitution to the existing Constitution of this State, and to carry this Constitution into effect, it is hereby ordained and declared:

1.—That all laws in force at the ratification of this Constitution and not inconsistent therewith, shall remain in full force until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims and contracts of the State, counties, municipal corporations, individuals or bodies corporate, not inconsistent with this Constitution, shall continue to be valid as if this Constitution had not been ratified.

2.—That all bonds executed by or to any officer of this State, all recognizances, obligations and all other instruments executed to this State, or to any subdivision or municipality thereof, before the ratification of this Constitution, and all fines, taxes, penalties and forfeitures due and owing to the State, or any subdivision or municipality thereof; and all writs, suits, prosecutions, claims and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the ratification of this Constitution. All indictments which have been found, or which may hereafter be found, for any crime or offense committed before the ratification of this Constitution, shall proceed upon in the same manner as if this Constitution had not been ratified.

3.—That all the executive and judicial officers, and all other officers in this State, who were elected at the elections held in this State on the first Monday in August, in the years eighteen hundred and ninety-eight and nineteen hundred, or who have been appointed since that time, and all members of the present General Assembly, and all who may be hereafter elected members of the present General Assembly, and all other officers holding office at the time of the ratification of this Constitution, shall, except as otherwise provided in this Constitution, continue in office and exercise the duties thereof until their respective terms shall expire, as provided by the Constitution of eighteen hundred and seventy-five, or the laws of this State.

4.—This Constitution shall be submitted to the qualified electors of this State for ratification or rejection, as authorized and required by an act of the General Assembly of this State, entitled "An Act to provide for holding a convention to revise and amend the Constitution of this State," approved the eleventh day of December,

nineteen hundred; and no elector shall be deprived of his right to vote at the election to be held for such purpose by reason of his not being registered.

5.—That instead of the publication as required by the act to provide for holding a convention to revise and amend the Constitution, approved the eleventh day of December, nineteen hundred, the Governor of this State is hereby authorized to take such steps as will give general publicity and circulation to this Constitution in a manner as economical as practicable.

6.—The salaries of the Executive and Judicial and all other officers of this State, who may be holding office at the time of the ratification of this Constitution, and the pay of the present members of the General Assembly, shall not be affected by the provisions of this Constitution.

Done by the people of Alabama, through their delegates in convention assembled in the hall of the House of Representatives, at Montgomery, Alabama, this, the third day of September, Anno Domini, nineteen hundred and one.

JOHN B. KNOX, President.

Attest: FRANK N. JULIAN, Secretary.

David C. Almon,
W. A. Altman,
John T. Ashcraft,
W. H. Banks,
J. H. Barefield,
W. H. Bartlett,
J. Robert Beavers,
C. P. Beddow,
D. S. Bethune,
Samuel Blackwell,
Burwell Boykin Boone,
Leslie E. Brooks,
Cecil Browne,
Thomas L. Bulger,
John D. Burnett,
John F. Burns (1875-1901),
John A. Byars,
H. W. Cardon,
A. H. Carmichael,
M. S. Carmichael,
G. H. Carnathan,
Davy Crockett Case,
Reuben Chapman,
James Edward Cobb,
W. T. L. Cofer,
Thomas W. Coleman,
E. W. Coleman,
Thomas J. Cornwell,
B. H. Craig,

R. M. Cunningham,
John A. Davis,
Hubert T. Davis,
S. H. Dent,
Ed. deGraffenried,
Joseph B. Duke,
B. T. Eley,
John C. Eyster,
T. M. Espy,
Charles W. Ferguson,
William C. Fitts,
A. S. Fletcher,
J. M. Foster,
N. H. Freeman,
J. A. Gilmore,
William Franklin Glover,
Edward A. Graham,
Joseph B. Graham,
L. W. Grant,
John W. Grayson,
Leonard F. Greer, Sr.,
Charles H. Greer,
C. L. Haley,
William A. Handley,
Geo. P. Harrison (1875-1901),
J. Thomas Hedin,
John T. Hedin,
Jere C. Henderson,
Evans Hinson,

Patrick W. Hodges,
Oliver R. Hood,
Wilson P. Howell,
Augustin Clayton Howze,
W. B. Inge,
E. C. Jackson,
Samuel C. Jenkins,
John C. Jones,
J. McLean Jones,
Thomas G. Jones,
Richard C. Jones,
James T. Kirk,
W. W. Kirkland,
William N. Knight,
R. B. Kyle,
Emmett W. Ledbetter,
Norville R. Leigh, Jr.,
Lawrence W. Locklin,
Tennent Lomax,
J. Lee Long,
T. L. Long,
Robert J. Lowe,
William T. Lowe,
Gordon Macdonald,
B. F. McMillan,
Lee McMillan,
George H. Malone,
J. T. Martin,
J. C. Maxwell,
Allen H. Merrill,
Charles H. Miller,
Joseph N. Miller,
Milo Moody,
W. O. Mulkey,
Joel D. Murphree (1875-1901),
C. C. NeSmith,
J. D. Norman,
Joseph Norwood,
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